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# KLONDIKE

MINING LAWS, RULES AND  
REGULATIONS

— OF THE —

UNITED STATES AND CANADA

APPLICABLE TO

Alaska and Northwest Territory

WITH FORMS

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COMPILED BY

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Mining and General Attorneys

SEATTLE, - - - WASHINGTON

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## MINING AND CORPORATION LAWYERS

Mining and business interests in the Pacific Northwest looked after and attended to very carefully for all of our clients.

Careful investigations and conservative reports on all propositions entrusted to us. We go ourselves ; we do not send agents.

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### REFERENCES :

HON. F. E. WARREN,

HON. C. D. CLARK,

U. S. Senators, Washington, D. C.

OFFICE:

1-15726

BURKE BUILDING, SEATTLE, WASH

# PREFACE

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The compilers of this work from experience in the practice of mining litigation and knowledge of the needs and information required by the average miner and prospector, and realizing that many a valuable claim has been lost to the discoverer by reason of his lack of knowledge of mining laws and failure to properly protect himself and his property, and further realizing that the immense gold fields of the Great Northwest lie along the boundary line of two separate and distinct nations whose laws are largely at variance, have deemed it advisable to compile together the laws of these two greatest nations on earth, furnishing full data and complete information to all who penetrate or become interested in the famous Klondike region.

The compilers will be satisfied if the work proves to be practically useful and assists the worthy miner in protecting that which he has labored for and so worthily gained.

H. L. WILHELM

ATTORNEY <sup>AND</sup> COUNSELOR AT LAW

ALL FEDERAL AND STATE COURTS

BURKE BUILDING...

SEATTLE, WASH.

# UNITED STATES MINING LAWS

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## ALASKA

Act of Congress of May 17, 1884. An Act providing a civil government for Alaska.

Section 8. That the said district of Alaska is hereby created a land district, and a United States land office for said district is hereby located at Sitka. The commissioner provided for by this act to reside at Sitka shall be ex-officio register of said land office, and the clerk provided for by this act shall be ex-officio receiver of public moneys, and the marshal provided for by this act shall be ex-officio surveyor-general of said district, and the laws of the United States relating to mining claims, and the rights incident thereto, shall, from and after the passage of this act, be in full force and effect in said district, under the administration thereof herein provided for, subject to such regulations as may be made by the Secretary of the Interior, approved by the President: Provided, That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them, but the term under which such persons may acquire title to such lands is reserved for future legislation by Congress : And provided further, That parties who have located mines or mineral privileges therein under the laws of the United States applicable to the public domain, or who have occupied and improved or exercised acts of ownership over such claims, shall not be disturbed therein, but shall be allowed to perfect their title to such claims by payment as aforesaid: And provided also, That the land not exceeding six hundred and forty acres at any station now occupied as missionary stations among the Indian tribes in said section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which said missionary stations respectively belong until action by Congress. But

nothing contained in this act shall be construed to put in force in said district the general land laws of the United States.

Land Office Regulations—96. The administration of the mining laws as prescribed by these regulations will be, so far as applicable, adopted for, and extended to Alaska.

(1) The ex-officio register, receiver, and surveyor-general, while acting as such, and their clerks and deputy surveyors, will be deemed subject to the laws and regulations governing the official conduct and responsibilities of similar officers and persons under general statutes of the United States.

(2) The Commissioner of the General Land Office will exercise the same general supervision over the execution of the laws as are or may be exercised by him in other mineral districts.

## TITLE XXXII, CHAPTER 6.

MINERAL LANDS RESERVED—Sec. 2318. In all cases lands valuable for mineral shall be reserved from sale, except as otherwise expressly directed by law.

OPEN TO PURCHASE BY CITIZENS—Sec. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

LENGTH OF VEINS OR LODES—Sec. 2320. Mining claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining claim shall be made until the dis-



covery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end lines of each claim shall be parallel to each other.

**PROOF OF CITIZENSHIP**—Sec. 2321. Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by the filing of a certified copy of their charter or certificate of incorporation.

**LOCATORS' RIGHTS**—Sec. 2322. The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, Territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to

enter upon the surface of a claim owned or possessed by another.

**OWNERS OF TUNNEL RIGHTS**—Sec. 2323. Where a tunnel is run for development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

**REGULATIONS BY MINERS**—Sec. 2324. The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as



if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his portion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of a year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his portion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures.

PATENTS, HOW OBTAINED—Sec. 2325. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper landoffice an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the United States Surveyor-General, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such land-office, and shall thereupon be entitled to a patent for the land, in the following manner: The register of the land-office, upon the filing of such application, plat, field-notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days

of publication, shall file with the register a certificate of the United States surveyor-general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land-office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter.

**ADVERSE PROCEEDINGS**—Sec. 2326. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the register of the land-office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceed-

ings and the judgment-roll shall be certified by the register to the Commissioner of the General Land-Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim with the proper fees, and file the certificate and description by the surveyor-general, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the General Land-Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining-claim to any person whatever.

DESCRIPTION OF VEIN-CLAIMS—Sec. 2327. The description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands, the surveyor-general, in extending the surveys, shall adjust the same to the boundaries of such patented claim, according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

PENDING APPLICATIONS—EXISTING RIGHTS—Sec. 2328. Applications for patents for mining-claims under former laws now pending may be prosecuted to a final decision in the General Land-Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining-claims upon veins or lodes heretofore issued shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the tenth day of May, eighteen hundred and seventy-two.

CONFORMITY OF PLACER-CLAIMS—Sec. 2329. Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been pre-



viously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

**SUBDIVISIONS—Sec. 2330.** Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer-claim, made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona fide pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona fide settler to any purchaser.

**CONFORMITY TO SURVEYS—Sec. 2331.** Where placer-claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer-claims can not be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.

**EVIDENCE OF POSSESSION—Sec. 2332.** Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining-claims of the State or Territory where the same may be situated, evidence of such possession and working of the claim for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any min-

ing-claim or property thereto attached prior to the issuance of a patent.

PROCEEDINGS FOR PATENT—Sec. 2333. Where the same person, association, or corporation is in possession of a placer-claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer-claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer-claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer-claim, or any placer-claim not embracing any vein or lode-claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section twenty-three hundred and twenty, is known to exist within the boundaries of a placer-claim, an application for a patent for such placer-claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer-claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer-claim is not known, a patent for the placer-claim shall convey all valuable mineral and other deposits within the boundaries thereof.

SURVEYOR-GENERAL TO APPOINT SURVEYORS—Sec. 2334. The surveyor-general of the United States may appoint in each land-district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining-claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer-claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land-Office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land-district

where mines are situated for the publication of mining notices in such district, and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land-office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land-Office.

**VERIFICATION OF AFFIDAVITS, ETC.—Sec. 2335.** All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land-district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register and receiver of the land-office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land-office as published nearest to the location of such land; and the register shall require proof that such notice has been given.

**WHERE VEINS INTERSECT, ETC.—Sec. 2336.** Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine. And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

**PATENTS FOR NON-MINERAL LAND, ETC.—Sec. 2337.** Where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface-ground may be embraced and included in an application for a patent for such vein or lode, and the same may



be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz-mill or reduction-works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section.

**SALE BY LOCAL LEGISLATURE**—Sec. 2338. As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

**RIGHTS TO USE WATER FOR MINING**—Sec. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

**PATENTS SUBJECT TO WATER RIGHTS**—Sec. 2340. All patents granted, or pre-emption or homestead allowed, shall be subject to any vested and accrued water-rights, or rights to ditches and reservoirs used in connection with such water-rights, as may have been acquired under or recognized by the preceding section.

**MINERAL LANDS SUBJECT TO HOMESTEADS**—Sec. 2341. Wherever, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, im-

proved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres; or they may avail themselves of the provisions of chapter five of this Title, relating to "Homesteads."

**HOW SET APART AS AGRICULTURAL**—Sec. 2342. Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands, and be subject to all the laws and regulations applicable to the same.

**ADDITIONAL LAND-DISTRICTS AND OFFICERS**—Sec. 2343. The President is authorized to establish additional land-districts, and to appoint the necessary officers under existing laws, wherever he may deem the same necessary for the public convenience in executing the provisions of this chapter.

**NOT TO AFFECT CERTAIN RIGHTS**—Sec. 2344. Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws; nor to affect the provisions of the act entitled "An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-five, eighteen hundred and sixty-six.

**IN CERTAIN STATES EXCEPTED**—Sec. 2345. The provisions of the preceding sections of this chapter shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase according to legal subdivisions, in like manner as before the tenth day of May, eighteen hundred and seventy-two. And any bona fide entries of such lands within the States named since the tenth of May, eighteen hundred and seventy-two, may be patented without reference to any of the foregoing provisions



of this chapter. Such lands shall be offered for public sale in the same manner, at the same minimum price, and under the same rights of pre-emption as other public lands.

GRANT NOT TO INCLUDE MINERAL—Sec. 2346. No act passed at the first session of the thirty-eighth Congress, granting lands to States or corporations to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant.

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## REPEAL PROVISIONS

### TITLE LXXIV.

WHAT STATUTES EMBRACE—Sec. 5595. The foregoing seventy-three titles embrace the statutes of the United States general and permanent in their nature, in force on the first day of December, one thousand eight hundred and seventy-three, as revised and consolidated by commissioners appointed under an act of Congress, and the same shall be designated and cited as The Revised Statutes of the United States.

REPEAL OF ACTS—Sec. 5596. All acts of Congress passed prior to said first day of December, one thousand eight hundred and seventy-three, any portion of which is embraced in any section of said revision, are hereby repealed, and the section applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in such revision, having been repealed or superceded by subsequent acts, or not being general and permanent in their nature: *Provided*, That the incorporation into such revision of any general and permanent provision, taken from an act making appropriations, or from an act containing other provisions of a private, local, or temporary character, shall not repeal, or in any way affect any appropriation, or any provision of a private, local, or temporary charac-

ter, contained in any of said acts, but the same shall remain in force; and all acts of Congress passed prior to said last-named day no part of which are embraced in said provision, shall not be affected or changed by its enactment.

ACCRUED RIGHTS RESERVED—Sec. 5597. The repeal of the several acts embraced in said revision, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall said repeal, in any manner affect the right to any office, or change the term or tenure thereof.

PROSECUTIONS—Sec. 5598. All offenses committed, and all penalties or forfeitures incurred under any statute embraced in said revision prior to said repeal, may be prosecuted and punished in the same manner and with the same effect, as if said repeal had not been made.

LIMITATION—Sec. 5599. All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in said revision and covered by said repeal, shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

CLASSIFICATION OF SECTIONS—Sec. 5600. The arrangement and classification of the several sections of the revision have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the Title, under which any particular section is placed.

ACTS SINCE DEC. 1, 1873, NOT AFFECTED—Sec. 5601. The enactment of the said revision is not to affect or repeal any act of Congress passed since the first day of December, one thousand eight hundred and seventy-three, and all acts passed since that date are to have full

effect as if passed after the enactment of this revision, and so far as such acts vary from, or conflict with any provision contained in said revision, they are to have effect as subsequent statutes, and as repealing any portion of the revision inconsistent therewith.

Approved June 22, 1874.

## Act of June 6, 1874, Extending Assessment.

AN ACT to amend the act entitled "An act to promote the development of the mining resources of the United States," passed May tenth, eighteen hundred and seventy-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the fifth section of the act entitled "An act to promote the development of the mining resources of the United States," passed May tenth, eighteen hundred and seventy-two, which requires expenditures of labor and improvements on claims located prior to the passage of said act, are hereby so amended that the time for the first annual expenditure on claims located prior to the passage of said act shall be extended to the first day of January, eighteen hundred and seventy-five.

Act of February 11, 1875; tunnels:

AN ACT to amend section two thousand three hundred and twenty-four of the Revised Statutes, relating to the development of the mining resources of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two thousand three hundred and twenty-four of the Revised Statutes be, and the same is hereby amended so that where a person or company has or may run a tunnel for the purpose of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act, and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said act.

Approved February 11, 1875. (18 Stat., 315.)

## Act of June 3, 1878, Timber.

AN ACT authorizing the citizens of Colorado, Nevada and the Territories to fell and remove timber on the public domain for mining and domestic purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all citizens of the United States and other persons, bona fide residents of the State of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: Provided, The provisions of this act shall not extend to railroad corporations.

Sec. 2. That it shall be the duty of the register and the receiver of any local land-office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land-Office of that fact; and all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

Sec. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months.



## Act of Jan. 22, 1880, Application by Agent.

AN ACT to amend section twenty-three hundred and twenty-four and twenty-three hundred and twenty-five of the Revised Statutes of the United States concerning mineral lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-three hundred and twenty-five of the Revised Statutes of the United States be amended by adding hereto the following words: "Provided, That where the claimant for a patent is not a resident of or within the land-district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits: And provided, That this section shall apply to all applications now pending for patents to mineral lands."

Sec. 2. That section twenty-three hundred and twenty-four of the Revised Statutes of the United States be amended by adding the following words: "Provided, That the period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim, and this section shall apply to all claims located since the tenth day of May, anno Domini eighteen hundred and seventy-two."

## Act of March 3, 1881, Failure in Title.

AN ACT to amend section twenty-three hundred and twenty-six of the Revised Statutes relating to suits at law affecting the title to mining-claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if, in any action brought pursuant to section twenty-three hundred and twenty-six of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such

case costs shall not be allowed to either party, and the claimant shall not proceed in the land-office or be entitled to a patent for the ground in controversy until he shall have perfected his title.

### Affidavit of Agent.

AN ACT to amend section twenty-three hundred and twenty-six of the Revised Statutes, in regard to mineral lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the edverse claim required by section twenty-three hundred and twenty-six of the Revised Statutes may be verified by the oath of any duly authorized agent or attorney-in-fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the distirct wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record of the United States or the State or Territory where the adverse claimant may then be, or before any notary public of such State or Territory.

Sec. 2. That applicants for mineral patents, if residing beyond the limits of the district wherein the claim is situated, may make any oath or affidavit required for proof of citizenship before the clerk of any court of record, or before any notary public of any State or Territory.

Approved April 26, 1882. (22 Stat., 49.)

## LAND-OFFICE REGULATIONS

Relating to Locations of Veins or Lodes After May 10, 1872

From and after the tenth of May, 1872, any person who is a citizen of the United States, or who has declared his intention to become a citizen, may locate, record, and hold a mining claim of fifteen hundred linear feet along the course of any mineral vein or lode subject to location; or an association of persons, severally qualified as above, may make joint location of such claim of fifteen hundred feet,

but in no event can a location of a vein or lode made subsequent to May 10, 1872, exceed fifteen hundred feet along the course thereof, whatever may be the number of persons composing the association.

With regard to the extent of surface-ground adjoining a vein or lode, and claimed for the convenient working thereof, the Revised Statutes provide that the lateral extent of locations of veins or lodes made after May 10, 1872, shall in no case exceed three hundred feet on each side of the middle of the vein at the surface, and that no such surface rights shall be limited by any mining regulations to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth of May, 1872, may render such limitation necessary; the end-lines of such claims to be in all cases parallel to each other. Said lateral measurements cannot extend beyond three hundred feet on either side of the middle of the vein at the surface, or such distance as is allowed by local laws. For example: Four hundred feet cannot be taken on one side and two hundred feet on the other. If, however, three hundred feet on each side are allowed, and by reason of prior claims but one hundred feet can be taken on one side, the locator will not be restricted to less than three hundred feet on the other side; and when the locator does not determine by exploration where the middle of the vein at the surface is, his discovery shaft must be assumed to mark such point.

By the foregoing it will be perceived that no lode claim located after the tenth of May, eighteen hundred and seventy-two, can exceed a parallelogram fifteen hundred feet in length by six hundred feet in width, but whether surface ground of that width can be taken, depends upon the local regulations or State or Territorial laws in force in the several mining districts, and that no such local regulations or State or Territorial laws shall limit a vein or lode claim to less than fifteen hundred feet along the course thereof, whether the location is made by one or more persons, nor can surface rights be limited to less than fifty feet in width, unless adverse claims existing on the tenth day of May, eighteen hundred and seventy-two, render such lateral limitations necessary.

It is provided by the Revised Statutes that the miners of each district may make rules and regulations not in

conflict the laws of the United States, or of the State or Territory in which such districts are respectively situated, governing the location, manner of recording, and amount of work necessary to hold possession of a claim. They likewise require that the location shall be so distinctly marked on the ground that its boundaries may be readily traced. This is a very important matter, and locators cannot exercise too much care in defining their locations at the outset, inasmuch as the law requires that all records of mining locations made subsequent to May 10, 1872, shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located, by reference to some natural object or permanent monument, as will identify the claim.

The statutes provide that no lode-claim shall be recorded until after the discovery of a vein or lode within the limits of the claim located, the object of which provision is evidently to prevent the appropriation of presumed mineral ground for speculative purposes to the exclusion of bona fide prospectors, before sufficient work has been done to determine whether a vein or lode really exists.

The claimant should, therefore, prior to locating his claim, unless the vein can be traced upon the surface, sink a shaft, or run a tunnel or drift, to a sufficient depth therein to discover and develop a mineral-bearing vein, lode, or crevice; should determine, if possible, the general course of such vein in either direction from the point of discovery, by which direction he will be governed in marking the boundaries of his claim on the surface. His location notice should give the course and distance as nearly as practicable from the discovery-shaft on the claim, to some permanent, well-known points or objects, such, for instance, as stone monuments, blazed trees, the confluence of streams, points of intersection of well-known gulches, ravines, or roads, prominent buttes, hills, etc., which may be in the immediate vicinity, and which will serve to perpetuate and fix the locus of the claim and render it susceptible of identification from the description thereof given in the record of locations in the district, and should be duly recorded.

In addition to the foregoing data, the claimant should state the names of adjoining claims, or, if none adjoin, the relative positions of the nearest claims; should drive



a post or erect a monument of stones at each corner of his surface-ground, and at the point of discovery or discovery shaft should fix a post, stake, or board, upon which should be designated the name of the lode, the name or names of the locators, the number of feet claimed, and in which direction from the point of discovery; it being essential that the location notice filed for record, in addition to the foregoing description should state whether the entire claim of fifteen hundred feet is taken on one side of the point of discovery, or whether it is partly upon one and partly upon the other side thereof, and in the latter case, how many feet are claimed upon each side of the discovery-point.

Within a reasonable time, say twenty days, after the location shall have been marked on the ground, or such time as is allowed by the local laws, notice thereof, accurately describing the claim in manner aforesaid, should be filed for record with the proper recorder of the district, who will thereupon issue the usual certificate of location.

In order to hold the possessory right to a location made since May 10, 1872, not less than one hundred dollars' worth of labor must be performed, or improvements made thereon, annually until entry shall have been made. Under the provisions of the act of Congress approved January 22, 1880, the first annual expenditure becomes due and must be performed during the calendar year succeeding that in which the location was made. Expenditure made or labor performed prior to the first day of January succeeding the date of location will not be considered as a part of, or applied upon the first annual expenditure required by law. Failure to make the expenditure or perform the labor required will subject the claim to relocation by any other party having the necessary qualifications, unless the original locator, his heirs, assigns, or legal representatives have resumed work thereon after such failure and before such relocation.

The expenditures required upon mining-claims may be made from the surface or in running a tunnel for the development of such claims, the act of February 11, 1875, providing that where a person or company has, or may, run a tunnel for the purpose of developing a lode or lodes owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended

on said lode or lodes, and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same.

The importance of attending to these details in the matter of location, labor, and expenditure will be the more readily perceived when it is understood that a failure to give the subject proper attention may invalidate the claim.

## Tunnel Rights.

Section 2323 provides that where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins or lodes on the line of said tunnel.

The effect of this is simply to give the proprietors of a mining tunnel run in good faith the possessory right to fifteen hundred feet of any blind lodes cut, discovered, or intersected by such tunnel, which were not previously known to exist, within three thousand feet from the face or point of commencement of such tunnel, and to prohibit other parties, after the commencement of the tunnel, from prospecting for and making locations of lodes on the line thereof and within said distance of three thousand feet, unless such lodes appear upon the surface or were previously known to exist.

The term "face," as used in said section, is construed and held to mean the first working-face formed in the tunnel, and to signify the point at which the tunnel actually enters cover; it being from this point that the three thousand feet are to be counted, upon which prospecting is prohibited as aforesaid.

To avail themselves of the benefits of this provision of law, the proprietors of a mining tunnel will be required,

at the time they enter cover as aforesaid, to give proper notice of their tunnel location by erecting a substantial post, board, or monument at the face or point of commencement thereof, upon which should be posted a good and sufficient notice, giving the names of the parties or company claiming the tunnel-right; the actual or proposed course or direction of the tunnel, the height and width thereof, and the course and distance from such face or point of commencement to some permanent well-known objects in the vicinity by which to fix and determine the locus in manner heretofore set forth applicable to locations of veins or lodes, and at the time of posting such notice they shall, in order that miners or prospectors may be enabled to determine whether or not they are within the lines of the tunnel, establish the boundary lines thereof, by stakes or monuments placed along such lines at proper intervals, to the terminus of the three thousand feet from the face or point of commencement of the tunnel, and the lines so marked will define and govern as to the specific boundaries within which prospecting for lodes not previously known to exist is prohibited while work on the tunnel is being prosecuted with reasonable diligence.

At the time of posting notice and making out the lines of the tunnel as aforesaid, a full and correct copy of such notice of location defining the tunnel claim must be filed for record with the mining recorder of the district, to which notice must be attached the sworn statement or declaration of the owners, claimants, or projectors of such tunnel, setting forth the facts in the case; stating the amount expended by themselves and their predecessors in interest in prosecuting work thereon; the extent of the work performed, and that it is bona fide their intention to prosecute work on the tunnel so located and described with reasonable diligence for the development of a vein or lode, or for the discovery of mines, or both, as the case may be. This notice of location must be duly recorded, and, with the said sworn statement attached, kept on the recorder's files for future reference.

By a compliance with the foregoing much needless difficulty will be avoided, and the way for the adjustment of legal rights acquired in virtue of said section 2323 will be made much more easy and certain.

This office will take particular care that no improper

advantage is taken of this provision of law by parties making or professing to make tunnel locations, ostensibly for the purposes named in the statute, but really for the purpose of monopolizing the lands lying in front of their tunnels to the detriment of the mining interests and to the exclusion of bona fide prospectors or miners, but will hold such tunnel claimants to a strict compliance with the terms of the statutes; and a reasonable diligence on their part in prosecuting the work is one of the essential conditions of their implied contract. Negligence or want of due diligence will be construed as working a forfeiture of the right to all undiscovered veins on the line of such tunnel.

### Manner of Proceeding to Obtain Government Title to Vein or Lode Claims.

27. By section 2325 authority is given for granting titles for mines by patent from the Government to any person, association, or corporation having the necessary qualifications as to citizenship and holding the right of possession to a claim in compliance with law.

28. The claimant is required in the first place to have a correct survey of his claim made under authority of the surveyor-general of the State or Territory in which the claim lies; such survey to show with accuracy the exterior surface boundaries of the claim, which boundaries are required to be distinctly marked by monuments on the ground. Four plats and one copy of the original field notes, in each case, will be prepared by the surveyor-general; one plat and the original field notes to be retained in the office of the surveyor-general, one copy of the plat to be given the claimant for posting upon the claim, one plat and a copy of the field notes to be given the claimant for filing with the proper register, to be finally transmitted by that officer, with other papers in the case, to this office, and one plat to be sent by the surveyor-general to the register of the proper land district to be retained on his files for future reference. As there is no resident surveyor-general for the State of Arkansas, applications for the survey of mineral claims in said State should be made to the Commissioner of this office, who, under the law, is ex officio the U. S. surveyor-general.



29. The claimant is then required to post a copy of the plat of such survey in a conspicuous place upon the claim, together with notice of his intention to apply for a patent therefor, which notice will give the date of posting, the name of the claimant, the name of the claim, mine, or lode; the mining district and county; whether the location is of record, and, if so, where the record may be found; the number of feet claimed along the vein and the presumed direction thereof; the number of feet claimed on the lode in each direction from the point of discovery, or other well-defined place on the claim; the name or names of adjoining claimants on the same or other lodes; or, if none adjoin, the names of the nearest claims, etc.

30. After posting the said plat and notice upon the premises, the claimant will file with the proper register and receiver a copy of such plat and the filed notes of survey of the claim accompanied by the affidavit of at least two credible witnesses, that such plat and notice are posted conspicuously upon the claim, giving the date and place of such posting; a copy of the notice so posted to be attached to, and form a part of, said affidavit.

31. Attached to the field notes so filed must be the sworn statement of the claimant that he has the possessory right to the premises therein described, in virtue of a compliance by himself (and by his grantors, if he claims by purchase) with the mining rules, regulations and customs of the mining district, State, or Territory in which the claim lies, and with the mining laws of Congress; such sworn statement to narrate briefly, but as clearly as possible, the facts constituting such compliance, the origin of his possession, and the basis of his claim to a patent.

32. This affidavit should be supported by appropriate evidence from the mining recorder's office as to his possessory right, as follows, viz: Where he claims to be a locator, a full, true, and correct copy of such location should be furnished, as the same appears upon the mining records; such copy to be attested by the seal of the recorder, or if he has no seal, then he should make oath to the same being correct, as shown by his records; where the applicant claims as a locator in company with others who have since conveyed their interests in the lode to him, a copy of the original record of location should be filed, together with an abstract of title from the proper recorder, under seal

or oath as aforesaid, tracing the co-locator's possessory rights in the claim to such applicant for patent; where the applicant claims only as a purchaser for valuable consideration, a copy of the location record must be filed under seal or upon oath as aforesaid, with an abstract of title certified as above by the proper recorder, tracing the right of possession by a continuous chain of conveyances from the original locators to the applicant, also certifying that no conveyance affecting the title to the claim in question appear of record in his office other than those set forth in the accompanying abstract.

33. In the event of the mining records in any case having been destroyed by fire or otherwise lost, affidavit of the fact should be made, and secondary evidence of possessory title will be received, which may consist of the affidavit of the claimant, supported by those of any other parties cognizant of the facts relative to his location, occupancy, possession, improvements, etc.; and in such case of lost records, any deeds, certificates of location or purchase, or other evidence which may be in the claimant's possession, and tend to establish his claim, should be filed.

34. Upon the receipt of these papers the register will, at the expense of the claimant (who must furnish the agreement of the publisher to hold applicant for patent alone responsible for charges of publication), publish a notice of such application for the period of sixty days, in a newspaper published nearest to the claim, and will post a copy of such notice in his office for the same period. In all cases sixty days must intervene between the first and the last insertion of the notice in such newspaper. When the notice is published in a weekly newspaper ten consecutive insertions are necessary; when in a daily newspaper the notice must appear in each issue for the required period.

35. The notices so published and posted must be as full and complete as possible, and embrace all the data given in the notice posted upon the claim.

36. Too much care cannot be exercised in the preparation of these notices, inasmuch as upon their accuracy and completeness will depend, in a great measure, the regularity and validity of the whole proceeding.

37. In the publication of final-proof notices the register has no discretion under the law to designate any

other than the newspaper "nearest the land" for such purpose when such paper is a newspaper of general circulation. But he will in all cases designate the newspaper of general circulation that is published nearest the land, geographically measured. When two or more such newspapers are published in the same town, nearest the land, he may select the one which, in his honest and impartial judgment as a public officer, will best subserve the purpose of the law and the general interests of the public.

38. Newspaper charges must not exceed the rates established by this office for the publication of legal notices.

39. The claimant, either at the time of filing these papers with the register or at any time during the sixty days' publication, is required to file a certificate of the surveyor-general that not less than five hundred dollars' worth of labor has been expended or improvements made upon the claim by the applicant or his grantors; that the plat filed by the claimant is correct; that the field-notes of the survey, as filed, furnish such an accurate description of the claim as will, if incorporated into a patent, serve to fully identify the premises, and that such reference is made therein to natural objects or permanent monuments as will perpetuate and fix the locus thereof.

40. It will be the more convenient way to have this certificate indorsed by the surveyor-general, both upon the plat and field-notes of survey filed by the claimant as aforesaid.

41. After the sixty days' period of newspaper publication has expired the claimant will furnish from the office of publication a sworn statement that the notice was published for the statutory period, giving the first and last day of such publication, and his own affidavit showing that the plat and notice aforesaid remained conspicuously posted upon the claim sought to be patented during said sixty days' publication, giving the dates.

42. Upon the filing of this affidavit the register will, if no adverse claim was filed in his office during the period of publication, permit the claimant to pay for the land according to the area given in the plat and field notes of survey aforesaid, at the rate of five dollars for each acre and five dollars for each fractional part of an acre, the receiver issuing the usual duplicate receipt therefor. The claimant will also make a sworn statement of all charges and fees



paid by him for publication and surveys, together with all fees and money paid the register and receiver of the land office; after which the whole matter will be forwarded to the Commissioner of the General Land Office and a patent issued thereon if found regular.

43. In sending up the papers in the case the register must not omit certifying to the fact that the notice was posted in his office for the full period of sixty days, such certificate to state distinctly when such posting was done and how long continued.

44. The consecutive series of numbers of mineral entries must be continued, whether the same are of lode or placer claims or mill sites.

45. The surveyors-general should designate all surveyed mineral claims by a progressive series of numbers, beginning with survey No. 37, irrespective as to whether they are situated on surveyed or unsurveyed lands the claim to be so designated at date of issuing the order therefor, in addition to the local designation of the claim. It being required in all cases that the plat and field-notes of the survey of a claim must, in addition to the reference to permanent objects in the neighborhood, describe the locus of the claim, with reference to the lines of public surveys, by a line connecting a corner of the claim with the nearest public corner of the United States surveys, unless such claim be on unsurveyed lands at a distance of more than two miles from such public corner, in which latter case it should be connected with a United States mineral monument. Such connecting line must not be more than two miles in length, and should be measured on the ground direct between the points, or calculated from actually surveyed traverse lines if the nature of the country should not permit direct measurement. If a regularly established survey corner is within two miles of a claim situated on unsurveyed lands, the connection should be made with such corner in preference to a connection with a United States mineral monument. The connecting line must be surveyed by the deputy mineral surveyor at the time of his making the particular survey, and be made a part thereof.

46. Upon the approval of the survey of a mining claim made upon surveyed lands, the surveyor-general will prepare and transmit to the local land office and to this office a diagram tracing, showing the portions of legal 40-acre subdivisions made fractional by reason of the mineral survey, designating each of such portions by the proper lot number, be-



ginning with No. 1 in each section and giving the area of each lot.

47. The survey and plat of mineral claims, required by section 2325, Revised Statutes of the United States, to be filed in the proper land office, with application for patent, must be made subsequent to the recording of the location of the mine; and when the original location is made by survey of a United States deputy surveyor such location survey can not be substituted for that required by the statute, as above indicated.

48. The surveyor-general should derive his information upon which to base his certificate as to the value of labor expended or improvements made from his deputy who makes the actual survey and examination upon the premises, and such deputy should specify with particularity and full detail the character and extent of such improvements.

49. The following particulars should be observed in the survey of every mining claim:

(1) The exterior boundaries of the claim should be represented on the plat of survey and in the field notes.

(2) The intersection of the lines of the survey with the lines of conflicting prior surveys should be noted in the field notes and represented upon the plat.

(3) Conflicts with unsurveyed claims, where the applicant for survey does not claim the area in conflict, should be shown by actual survey.

(4) The total area of the claim embraced by the exterior boundaries should be stated, and also the area in conflict with each intersecting survey, substantially as follows:

	Acres.
Total area of claim.....	10.50
Area in conflict with survey No. 302.....	1.56
Area in conflict with survey No. 948.....	2.33
Area in conflict with Mountain Maid lode mining claim, unsurveyed .....	1.48

It does not follow that because mining surveys are required to exhibit all conflicts with prior surveys the areas of conflict are to be excluded. The field notes and plat are made a part of the application for patent, and care should be taken that the description does not inadvertently exclude portions intended to be retained. It is better that the application for patent should state the portions to be excluded in express terms.

A survey executed as in the example given will enable the applicant for patent to exclude such conflicts as may seem desirable. For instance, the conflict with survey No. 302 and

with Mountain Maid lode claim might be excluded and that with survey No. 948 included.

50. The rights granted to locators under section 2322, Revised Statutes, are restricted to such locations on veins, lodes, or ledges as may be "situated on the Public domain." In applications for lode claims where the survey conflicts with a prior valid lode claim or entry and the ground in conflict is excluded, the applicant not only has no right to the excluded ground, but he has no right to that portion of any vein or lode the top or apex of which lies within such excluded ground, unless his location was prior to May 10, 1872. His right to the lode claimed terminates where the lode, in its onward course or strike, intersects the exterior boundary of such excluded ground and passes within it.

51. The end line of his survey should not, therefore, be established beyond such intersection, unless it should be necessary so to do for the purpose of including ground held and claimed under a location which was made upon public land and valid at the time it was made. To include such ground (which may possibly embrace other lodes) the end line of the survey may be established within the conflicting survey, but the line must be so run as not to extend any farther into the conflicting survey than may be necessary to make such end line parallel to the other end line and at the same time embrace the ground so held and claimed. The useless practice in such cases of extending both the side lines of a survey into the conflicting survey and establishing an end line wholly within it, beyond a point necessary under the rule just stated, will be discontinued.

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## PLACER CLAIMS

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52. The proceedings to obtain patents for claims usually called placers, including all forms of deposit, excepting veins of quartz or other rock in place, are similar to the proceedings prescribed for obtaining patents for vein or lode claims; but where said placer claim shall be upon surveyed lands, and conform to legal subdivisions, no further survey or plat will be required, and all placer mining claims located after May

10, 1872, shall conform as nearly as practicable with the United States system of public land surveys and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands. But where such claims are located previous to the public surveys, and do not conform to legal subdivisions, survey, plat, and entry thereof may be made according to the boundaries thereof, provided the location is in all respects legal.

53. The proceedings for obtaining patents for veins or lodes having already been fully given, it will not be necessary to repeat them here, it being thought that careful attention thereto by applicants and the local officers will enable them to act understandingly in the matter and make such slight modifications in the notice, or otherwise, as may be necessary in view of the different nature of the two classes of claims, placer claims being fixed, however, at two dollars and fifty cents per acre, or fractional part of an acre.

54. By section 2330, authority is given for the subdivision of forty-acre legal subdivisions into ten-acre lots, which is intended for the greater convenience of miners in segregating their claims both from one another and from intervening agricultural lands.

55. It is held, therefore, that under a proper construction of the law these ten-acre lots in mining districts should be considered and dealt with, to all intents and purposes, as legal subdivisions, and that an applicant having a legal claim which conforms to one or more of these ten-acre lots, either adjoining or cornering, may make entry thereof, after the usual proceedings, without further survey or plat.

56. In cases of this kind, however, the notice given of the application must be very specific and accurate in description, and as the forty-acre tracts may be subdivided into ten-acre lots, either in the form of squares of ten by ten chains, or if parallelograms five by twenty chains, so long as the lines are parallel and at right angles with the lines of the public surveys, it will be necessary that the notice and application state specifically what ten-acre lots are sought to be patented, in addition to the other data required in the notice.

57. Where the ten-acre subdivision is in the form of a square, it may be described, for instance, as the "SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$ ," or, if in the form of a parallelogram as



aforesaid, it may be described as the "W $\frac{1}{2}$  of the W $\frac{1}{2}$  of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (or the N $\frac{1}{2}$  of the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ) of section —, township —, range —," as the case may be; but, in addition to this description of the land, the notice must give all the other data that is required in a mineral application, by which parties may be put on inquiry as to the premises sought to be patented. The proofs submitted with applications for claims of this kind must show clearly the character and the extent of the improvements upon the premises.

Inasmuch as the surveyor-general has no duty to perform in connection with the entry of a placer claim of legal subdivisions, the proof of improvements must show their value to be not less than five hundred dollars, and that they were made by the applicant for patent or his grantors. The annual expenditure to the amount of \$100, required by section 2324, Revised Statutes, must be made upon placer claims as well as lode claims.

58. Applicants for patent to a placer claim, who are also in possession of a known vein or lode included therein, must state in their application that the placer includes such vein or lode. The published and posted notices must also include such statement. If veins or lodes lying within a placer location are owned by other parties, the fact should be distinctly stated in the application for patent, and in all the notices. But in all cases whether the lode is claimed or excluded, it must be surveyed and marked upon the plat; the field notes and plat giving the area of the lode claim or claims and the area of the placer separately. It should be remembered that an application which omits to include an application for a known vein or lode therein, must be construed as a conclusive declaration that the applicant has no right of possession to the vein or lode. Where there is no known lode or vein, the fact must appear by the affidavit of two or more witnesses.

59. By Section 2330, it is declared that no location of a placer claim, made after July 9, 1870, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys.

60. Section 2331 provides that all placer mining claims located after May 10, 1872, shall conform as nearly as practicable with the United States systems of public surveys, and



the subdivisions of such surveys, and no such locations shall include more than twenty acres for each individual claimant.

61. The foregoing provisions of law are construed to mean that after the 9th day of July, 1870, no location of a placer claim can be made to exceed one hundred and sixty acres, whatever may be the number of locators associated together, or whatever the local regulations of the district may allow; and that from and after May 10, 1872, no location made by an individual can exceed twenty acres, and no location made by an association of individuals can exceed one hundred and sixty acres, which location of one hundred and sixty acres can not be made by a less number than eight bona fide locators; and no local laws or mining regulations can restrict a placer location to less than twenty acres, although the locator is not compelled to take so much.

62. The regulations hereinbefore given as to the manner of marking locations on the ground, and placing the same on record, must be observed in the case of placer locations so far as the same are applicable, the law requiring, however, that where placer claims are upon surveyed public lands the locations must hereafter be made to conform to legal subdivisions thereof as near as practicable.

63. The first care in recognizing an application for patent upon a placer claim must be exercised in determining the exact classification of the lands. To this end the clearest evidence of which the case is capable should be presented.

(1) If the claim be all placer ground, that fact must be stated in the application and corroborated by accompanying proofs; if of mixed placers and lodes, it should be so set out, with a description of all known lodes situated within the boundaries of the claim. A specific declaration, such as is required by section 2333, Revised Statutes, must be furnished as to each lode intended to be claimed. All other known lodes are, by the silence of the applicant, excluded by law from all claim by him, of whatsoever nature, possessory or otherwise.

(2) Section 2395, Revised Statutes (subdivision 7), requires the surveyor to "note in his field books the true situation of all mines, salt licks, salt springs, and mill seats which come to his knowledge;" also "all water courses over which the lines he runs may pass." It further requires him to "note the quality of the lands." These descriptive notes are required by subdivision 8 to be incorporated in the plat by the surveyor-general.

(3) If these duties have been performed, the public surveys will furnish a reasonable guide to the district officers and to claimants in prosecuting their applications. But experience has shown that great neglect has resulted from the inattention to the law in this respect, and the regular plats are of very little value in the matter. It will, therefore, be required in the future that deputy surveyors shall, at the expense of the parties, make full examination of all placer claims surveyed by them, and duly note the facts as specified in the law, stating the quality and composition of the soil, the kind and amount of timber and other vegetation, the locus and size of streams, and such other matters as may appear upon the surface of the claim. This examination should include the character and extent of all surface and underground workings, whether placer or lode, for mining purposes.

(4) In addition to these data, which the law requires to be shown in all cases, the deputy should report with reference to the proximity of centers of trade or residence; also of well-known systems of lode deposit or of individual lodes. He should also report as to the use or adaptability of the claim for placer mining; whether water has been brought upon it in sufficient quantity to mine the same, or whether it can be procured for that purpose; and, finally, what works or expenditures have been made by the claimant or his grantors for the development of the claim, and their situation and location with respect to the same as applied for.

(5) This examination should be reported by the deputy under oath to the surveyor-general, and duly corroborated; and a copy of the same should be furnished with the application for patent to the claim, constituting a part thereof, and included in the oath of the applicant.

(6) Applications awaiting entry, whether published or not, must be made to conform to these regulations, with respect to examination as to the character of the land. Entries already made will be suspended for such additional proofs as may be deemed necessary in each case.

## MILL SITES

64. Section 2337 provides that "where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface grounds may be embraced and included in an application for a patent for such vein or lode,

and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for his mill site, as provided in this section."

65. To avail themselves of this provision of law, parties holding the possessory right to a vein or lode, and to a piece of non-mineral land not contiguous thereto, for mining or milling purposes, not exceeding the quantity allowed for such purpose by section 2337, United States Revised Statutes, or prior laws, under which the land was appropriated, the proprietors of such vein or lode may file in the proper land office their application for a patent, under oath, in manner already set forth herein, which application, together with the plat and field notes, may include, embrace, and describe, in addition to the vein or lode, such non-contiguous mill site, and after due proceedings as to notice, etc., a patent will be issued conveying the same as one claim.

66. In making the survey in a case of this kind, the lode claim should be described in the plat and field notes as "Lot No. 37, A," and the mill site as "Lot No. 37, B," or whatever may be its appropriate numerical designation; the course and distance from a corner of the mill site to a corner of the lode claim to be invariably given in such plat and field notes, and a copy of the plat and notice of application for patent must be conspicuously posted upon the mill site as well as upon the vein or lode for the statutory period of sixty days. In making the entry no separate receipt or certificate need be issued for the mill site, but the whole area of both lode and mill site will be embraced in one entry, the price being five dollars for each acre and fractional part of an acre embraced by such lode and mill site claim.

67. In case the owner of a quartz mill or reduction works is not the owner or claimant of a vein or lode, the law permits him to make application therefor in the same manner prescribed herein for mining claims, and after due notice and proceedings, in the absence of a valid adverse filing, to enter and receive a patent for his mill site at said price per acre.

68. In every case there must be satisfactory proof that the land claimed as a mill site is not mineral in character,



which proof may, where the matter is unquestioned, consist of the sworn statement of the claimant, supported by that of one or more disinterested persons capable from acquaintance with the land to testify understandingly.

69. The law expressly limits mill site locations made from and after its passage to five acres.

70. The registers and receivers will preserve an unbroken consecutive series of numbers for all mineral entries.

## POSSESSORY RIGHT

71. With regard to the proofs necessary to establish the possessory right to a mining claim, section 2332 provides that "where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim."

72. This provision of law will greatly lessen the burden of proof, more especially in the case of old claims located many years since, the records of which, in many cases, have been destroyed by fire, or lost in other ways during the lapse of time, but concerning the possessory right to which all controversy or litigation has long been settled.

73. When an applicant desires to make his proof of possessory right in accordance with this provision of law, he will not be required to produce evidence of location, copies of conveyance, or abstracts of title, as in other cases, but will be required to furnish a duly certified copy of the statute of limitation of mining claims for the State or Territory, together with his sworn statement giving a clear and succinct narration of the facts as to the origin of his title, and likewise as to the continuation of his possession of the mining ground covered by his application; the area thereof; the nature and extent of the mining that has been done thereon; whether there has been any opposition to his possession, or litigation with regard to his claim, and, if so, when the same ceased; whether such cessation was caused by compromise or by judicial decree, and any additional facts within the claimant's knowledge having a direct bearing upon his possession



and bona fides which he may desire to submit in support of his claim.

74. There should likewise be filed a certificate, under seal of the court having jurisdiction of mining cases within the judicial district embracing the claim, that no suit or action of any character whatever involving the right of possession to any portion of the claim applied for is pending, and that there has been no litigation before said court affecting the title to said claim or any part thereof for a period equal to the time fixed by the statute of limitations for mining claims in the State or Territory as aforesaid, other than that which has been finally decided in favor of the claimant.

75. The claimant should support his narrative of facts relative to his possession, occupancy, and improvements by corroborative testimony of any disinterested person or persons of credibility who may be cognizant of the facts in the case and are capable of testifying understandingly in the premises.

76. As a condition for the making of application for patent according to section 2325, there must be a preliminary showing the work or expenditure upon each location, either by showing the full amount sufficient to the maintenance of possession under section 2324 for the pending year; or, if there has been failure, it should be shown that work has been resumed so as to prevent relocation by adverse parties after abandonment.

The "pending year" means the calendar year in which application is made, and has no reference to a showing of work at date of the final entry.

77. This preliminary showing may, where the matter is unquestioned, consist of the affidavit of two or more witnesses familiar with the facts.

## PROCEEDINGS BEFORE THE REGISTER AND RECEIVER AND SURVEYOR-GENERAL IN CONTESTS AND HEARINGS TO ESTABLISH THE CHARACTER OF LANDS.

78. The "Rules of Practice in cases before the United States district land offices, the General Land Office, and the Department of the Interior," approved August 13, 1885, will, as far as applicable, govern in all cases and proceedings aris-

ing in contests, and hearings to determine the mineral or non-mineral character of lands.

79. The only tracts of public land that will be withheld from entry as agricultural land on account of its mineral character, will be such as are returned by the surveyor-general as mineral; and even the presumption which is supported by such return may be overcome by testimony taken at a regular hearing.

80. Hearings to determine the character of land, as practically distinguished, are of two kinds:

(1) Where lands which are sought to be entered and patented as agricultural are alleged by affidavit to be mineral, or when sought as mineral their non-mineral character is alleged.

The proceedings relative to this class are in the nature of a contest between two or more known parties.

(2) When lands are returned as mineral by the surveyor-general.

When such lands are sought to be entered as agricultural, notice must be given by publication for thirty days, with posting in the local office for the same period.

81. At the hearings under either of the aforesaid classes, the claimants and witnesses will be thoroughly examined with regard to the character of the land; whether the same has been thoroughly prospected; whether or not there exists within the tract or tracts claimed any lode or vein of quartz or other rock in place, bearing gold, silver, cinnibar, lead, tin, or copper, or other valuable deposit which has ever been claimed, located, recorded, or worked; whether such work is entirely abandoned, or whether occasionally resumed; if such lode does exist, by whom claimed, under what designation, and in which subdivision of the land it lies; whether any placer mine or mines exist upon the land; if so, what is the character thereof—whether of the shallow surface description, or of the deep cement, blue lead or gravel deposits; to what extent mining is carried on when water can be obtained, and what the facilities are for obtaining water for mining purposes; upon what particular ten-acre subdivisions mining has been done, and at what time the land was abandoned for mining purposes, if abandoned at all.

82. The testimony should also show the agricultural capacities of the land, what kind of crops are raised thereon, and the value thereof; the number of acres actually cultivated for crops of cereals or vegetables and within which particu-

lar ten-acre subdivision such crops are raised; also which of these subdivisions embrace the improvements, giving in detail the extent and value of the improvements, such as house, barn, vineyard, orchard, fencing, etc., and mining improvements.

83. The testimony should be as full and complete as possible; and in addition to the leading points indicated above, where an attempt is made to prove the mineral character of lands which have been entered under the agricultural laws, it should show at what date, if at all, valuable deposits of minerals were first known to exist in the lands.

84. When the case comes before this office, such decision will be made as the law and the facts may justify; and in cases where a survey is necessary to set apart the mineral from the agricultural land, the necessary instructions will be given to enable the proper party, at his own expense, to have the work done, at his option, either by United States deputy, county, or other local surveyer; the survey in such case, where the claims to be segregated are vein or lode claims, must be executed in such manner as will conform to the requirements in section 2320, United States Revised Statutes, as to length and width and parallel end lines.

85. Such survey when executed must be properly sworn to by the surveyor, either before a notary public, officer of a court of record, or before the register or receiver, the deponent's character and credibility to be properly certified to by the officer administering the oath.

86. Upon the filing of the plat and field notes of such survey, duly sworn to as aforesaid, you will transmit the same to the surveyor-general for his verification and approval; who, if he finds the work correctly performed, will properly mark out the same upon the original township plat in his office, and furnish authenticated copies of such plat and description both to proper local land office and to this office, to be affixed to the duplicate and triplicate township plats respectively.

87. With the copy of plat and description furnished the local office and this office, must be a diagram tracing, verified by the surveyor-general, showing the claim or claims segregated, and designating the separate fractional agricultural tracts in each 40-acre legal subdivision by the proper lot number, beginning with No. 1 in each section, and giving the area in each lot, the same as provided in paragraph 45, in the survey of mining claims on surveyed lands.

88. The fact that a certain tract of land is decided upon



testimony to be mineral in character is by no means equivalent to an award of the land to a miner. A miner is compelled by law to give sixty days' publication of notice, and posting of diagrams and notices, as a preliminary step; and then, before he can enter the land, he must show that the land yields mineral; that he is entitled to the possessory right thereto in virtue of compliance with local customs or rules of miners, or by virtue of the statute of limitations; that he or his grantors have expended, in actual labor and improvements, an amount not less than five hundred dollars thereon, and that the claim is one in regard to which there is no controversy or opposing claim. After all these proofs are met, he is entitled to have a survey made at his own cost where a survey is required, after which he can enter and pay for the land embraced by his claim.

89. Blank forms for proofs in mineral cases are not furnished by the General Land Office.

## FORMS

### NOTICE OF LOCATION—LODE CLAIM.

Notice is hereby given that the undersigned having complied with the requirements of chapter 6, title 32, Revised Statutes of the United States, and the local customs, laws and regulations, has located ..... linear feet on the ..... lode, situated in ..... mining district, in ..... county, State of .....; described as follows .....

Discovered ..... Located ..... ..... , Locator.

### NOTICE OF LOCATION—PLACER CLAIM.

Know all men by these presents, that I, ..... , the undersigned citizen of the United States, resident of county of ..... and State of ..... , having complied with the provisions of chapter 6, title 32 of the Revised Statutes of the United States, and with local customs, laws and regulations, claim by right of discovery and location, as a placer claim, containing valuable deposits of ..... , the following premises situate, lying and being in ..... mining district (or county), county of ..... , and State of ..... , to-wit: (Description.)

To be known as: (Name).

Located ..... , 189.. Date of certificate ..... , 189..



## AFFIDAVIT OF LABOR PERFORMED.

State of ....., county of ....., ss:

Before me, the subscriber, personally appeared ..... who, being duly sworn, saith that at least ..... dollars worth of work or improvements were performed or made upon the ..... lode, situate on ..... mountain, in ..... mining district, county of ....., State of ....., between the first day of ....., A. D. 189., and the thirty-first day of ..... A. D. 189.. Such expenditure was made by or at the expense of ....., owner (or one of the owners) of said claim, for the purpose of complying with the law and holding said claim.

Sworn and subscribed to before me this .... day of ....., A. D. 189..

(Seal.)

....., Notary Public.

## NOTICE OF RIGHT OF WATER.

The undersigned claims the water running in this stream for mining purposes to the extent of ..... cubic inches per second of time, to be conveyed by (ditch or flume) from this point to ..... claim. ...., 18.... (Signed) .....

A copy of this notice is to be posted where it is intended to divert the water, and a copy filed for record in the office of the county auditor of the county in which the point of divergence may be, within ten days; and actual work must be commenced within six months.

## TUNNEL CLAIM LOCATION CERTIFICATE.

Know all men by these presents, that the undersigned, citizens of the United States, have this .... day of ....., 18.., claimed by right of location, a tunnel claim for the purpose of discovering and working veins, lodes or deposits on the line thereof (cuttin the ..... lode and working the ..... lode). Said tunnel claim is situated in the ..... mining district, county of ....., State of ....., and the location and bounds of said tunnel are staked on the surface at the place of commencement and termination, as well as along the line thereof; said claim is more particularly described as follows: (Give courses and distances, and describe as in lode location by natural objects.

Dated .....

....., Locator.

## GRUB STAKE PROSPECTING CONTRACT.

In consideration of provisions advanced to me by ....., and of his agreement to supply me from time to time, as I may reasonably demand them, with tools, grub and mining outfit generally, and the sum of \$.... in hand paid, I agree to prospect for lodes and deposits in ..... districts, and to locate all discoveries which I may consider worth the expenditure, and record the same in the joint names of said outfitter and myself, and in our names only, as equal owners. My time and labor shall stand against his money, provisions, etc., as aforesaid. All expenses of survey and record shall be paid by the outfitter, and I agree to make no debts on account of this agreement. Work done on

claims after record and before the expiration of this contract shall be considered as done under this contract, and no charge for labor or time shall be made for the same. This contract shall stand good during the whole of the summer and fall of ....., expiring ....., and during all of that period I will not work or prospect on my own account, or for any parties other than said outfitter.

.....  
.....

Dated ....., .....

I agree to the terms above stated.

### NOTICE OF FORFEITURE.

—— County, ——, 189—.

To—(names of all parties who have record title to any portion of the mine). You are hereby notified that I have expended ..... dollars in labor and improvements upon the ..... lode (describe the claim), as will appear by certificate filed ....., 189., in the office of the Recorder of said county (or district), in order to hold said premises, under the provisions of section 2324 Revised Statutes of the United States, being the amount required to hold the same for the year ending ....., 189.. And if within ninety days from the service of this notice (or within ninety days after this notice by publication), you fail or refuse to contribute your proportion of such expenditure as a co-owner, your interest in said claim will become the property of the subscriber under said section 2324.

(Signed) ..... .....

Note.—At the expiration of 180 days, this notice should be recorded with the affidavit of the newspaper publisher, that the same was published for the period of ninety days, together with the affidavit of the party signing the notice to the effect that one or more of the co-owners named in the published notice have not paid their share of the expenditure. This completes the record title.

State of ....., County of ....., ss:

### AFFIDAVIT OF FAILURE TO CONTRIBUTE.

....., being duly sworn, deposes and says that for the year ending ....., 189., he expended at least ..... dollars in labor and improvements upon the ..... lode (or ..... placer claim—here describe the claim), to hold the same under the laws of the United States and of this ..... (district, Territory or State,): that due notice thereof was personally served upon ..... co-owners, on the ..... day of ....., 189., (or was duly published in the ..... as appears from the affidavit of the publisher thereof); and that ..... (of the said) co-owners have failed or refused to contribute their share of said expenditures within the time required by law.

Subscribed and sworn to before me this ..... day of ....., 189..

### MINER'S LIEN.

Know all men by these presents, that I, ....., of the county of ....., state of ....., do hereby give notice of my intention to hold and claim a lien, by virtue of the statute in such case made

and provided, upon ..... (describe premises), with all improvements and appurtenances, situated in ..... mining district, county of ....., state of .....

The said lien being claimed and held for and on account of work and labor done by me as ..... for ....., owner of said premises in and upon said premises, from the ..... day of ....., A. D. 189., to the ..... day of ....., A. D. 189..

The total value of said work and labor being ..... dollars, upon which there has been paid the sum of ..... dollars, leaving a balance of ..... dollars still due, owing and unpaid to me, the said claimant.

(Signed) ..... .....

Make oath to same before proper officer.

Note.—For materials insert “goods furnished and delivered to owners of said premises, for use on said premises, and which were used on said premises, as per bill annexed” in place of “work and labor.”

### TUNNEL CLAIM—LOCATION CERTIFICATES.

Know all men by these presents, that the undersigned, citizens of the United States, have this ..... day of ....., 189., claimed by right of location, a tunnel claim, for the purpose of discovering and working veins, lodes or deposits on the line thereof (cutting the ..... lode, and working the ..... lode). Said tunnel claim is situated in the ..... mining district, county of ....., state of ....., and the location and bounds of said tunnel are staked on the surface at the place of commencement and termination thereof, as well as along the line thereof. Said claim is more particularly described as follows: (Describe the commencement and termination by reference to natural objects and permanent monuments, and the line by courses and distances.)

Dated ....., 189..

....., Locator.

### POWER OF ATTORNEY TO LOCATE AND SELL.

Know all men by these presents, that we, the undersigned (names), ....., citizens of the United States, have made, constituted and appointed A. B. (some third person, who will locate and stake), our true and lawful attorney for us, and in our names to locate, stake and record for us each lode claims and placer mining ground in the ....., ..... county, state of ....., and, having located the same, to bargain, sell, grant, release and convey the same, entire or in separate parcels, to make proper deeds, seal, acknowledge and deliver the same to such persons as our attorney may desire; hereby ratifying and confirming all lawful acts done by our said attorney by virtue hereof.

Witness our hands and seals, this ..... day of ....., 189..

(Names).

State of ....., County of ....., ss:

On this ..... day of ....., 18.., before me .... in and for the county and state aforesaid, appeared ..... personally known to me as the persons whose names are subscribed to the foregoing power of attorney, and acknowledged the execution thereof as their free act and deed, for the purposes therein mentioned.

Given under my hand and ..... seal the day and year above written.



## NOTICE OF RIGHT TO WATER.

The undersigned claims the water running in this ..... stream to the extent of ..... inches for mining purposes, to be conveyed by (ditch or flume) from this point to the ..... placer claim.

Dated ....., 18... ....., Locator.

Note—This notice is to be posted near the outlet, and the following form is to be duly recorded in the district or county Recorder's office.

## PRE-EMPTION OF RIGHT OF WAY FOR DITCH AND LOCATION OF WATER.

To whom these presents may concern, know ye, that I, ..... of the county of ....., in the state of ....., a citizen of the United States, do hereby declare and publish as a legal notice to all the world, that I claim, and have a valid right to the occupation, possession and enjoyment of all and singular, that tract or parcel of land lying and being in the county of ....., in the state of ....., for the exclusive right of way for the purpose of constructing a flume or water ditch from ..... stream to ..... placer claim, more particularly described as follows: Commencing (here describe the exact route for ditch or flume.)

I also claim, and have a valid right to the enjoyment and use of ..... inches of water from said stream for mining purposes, to be conveyed through such flume or water ditch to said claim, together with all and singular, the hereditaments and appurtenances thereunto belonging, or in any wise appertaining.

Witness my hand and seal this ..... day of ....., A. D. 18..  
(Name.) ..... .....

Notice posted on the stream ....., 18...

Ditch commenced at claim or at stream ....., 18...

State of ....., County of ....., ss:

On this ..... day of ....., 18.., before me, a ..... in and for the county aforesaid, in the state aforesaid, personally appeared ....., to me personally known to be the person who executed the foregoing written instrument, and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal.

..... .....

## MINING DEED.

This indenture, made the ..... day of ....., in the year of our Lord one thousand eight hundred and ....., between ..... of the county of ....., and state of ....., party of the first, and ..... of the county of ....., and state of ....., party of the second part;

Witness, That the said party of the first part, for and in consideration of the sum of ..... dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, remised, released, and forever quit-claimed, and by these presents does grant, bargain, sell, remise, release, and forever quit-claim, unto the said party of the second part, his heirs and assigns, the ..... lode, as located, surveyed, recorded. and held by said party of the first



part, situated in ..... mining district, ..... county, ....., together with all the dips, spurs, and angles, and also the metals, ores, gold and silver-bearing quartz, rock and earth therein, and all the rights, privileges, and franchises thereto incident, appendant and appurtenant, or therewith usually had and enjoyed; and also, all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the rents, issues, and profits thereof; and also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

To have and to hold, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, his heirs and assigns forever warranting and defending the same against the claims of all persons, save and except the United States.

Have officers attach acknowledgment.

### MINING LEASE.

This indenture, made this ..... day of ....., in the year of our Lord one thousand eight hundred and ....., between ..... lessor and ..... lessee; Witnesseth, That the said lessor for and in consideration of the covenants and agreements by the said lessee to be paid, kept and performed, ..... granted, demised and let, and by these presents do grant, demise and let unto the said lessee, all the following described mine and mining property, situated in ..... mining district, county of ....., state of ....., to-wit: (Here description of property.) Together with the appurtenances ..... to have and to hold unto the said lessee or tenant for the term of ..... from the date hereof, expiring at noon on the ..... day of ....., A. D. 189., unless sooner forfeited or determined through the violation of any covenant hereinafter against the said tenant ..... reserved.

And in consideration of the said demise, the said lessee does covenant and agree with said lessor as follows, to-wit:

(Here insert covenants, etc.)

In witness whereof, The said parties, lessor and lessee, have hereunto set their hands and seals.

.....  
.....

..... (Seal.)  
..... (Seal.)

### BOND AND AGREEMENT FOR SALE.

This agreement made and entered into this ..... day of ....., 189., by and between ..... of the county of ....., state of ....., part.. of the first part, and ..... of the county of ....., state of ....., part.. of the second part:

Witnesseth, that the said part.. of the first part hereby agree that if the said part.. of the second part shall, on or before the expiration of ..... from the date hereof, pay or cause to be paid to the said part.. of the first part the sum of ..... (\$....) dollars in gold coin, he will, upon such payment being made, make,, execute and deliver to said part.. of the second part the title to all th.. certain lot, piece or parcel of land situate, lying and being

in the county of ....., state of ....., bounded and particularly described as follows, to-wit:

The said part.. of the first part further agree.. that the said part.. of the second part, .... agents, employes or assigns may at any time during the said period of ..... enter upon said premises and work, mine and prospect the same in such manner as .... may deem best, and mill any ore that may be taken therefrom (provided all work done thereon shall be done in a good, workmanlike manner), and may place thereon (and remove at .... pleasure) such machinery and fixtures as may be necessary for the convenient working thereof.

The said part.. of the second part hereby agree.. that in the working, mining or prospecting of said premies .... will not suffer or permit any lien to attach thereto for or in consequence of any indebtedness .... may incur for labor, materials or improvements .... may employ, purchase or place upon said premises during the said period of .....; and that in case ..... shall fail to pay or cause to be paid to said part.. of the first part the said sum of \$.... within said period of ....., .... will, at the expiration of said period of time, quit and surrender to said part.. of the first part the said premises, and will within ..... days thereafter remove any machinery and fixtures that .... may have placed thereon.

It is mutually understood and agreed that the stipulations and agreements herein contained shall apply to and bind the heirs, executors, administrators and assigns of the respective parties hereto.

In witness whereof, the said parties have hereunto set their hands and seals the day and year first above written.

..... (Seal.)  
 ..... (Seal.)  
 ..... (Seal.)

### ESCROW AGREEMENT.

The inclosed deed of the ..... is hereby placed with ..... in escrow. If A. B. shall place, or cause to be placed to the credit of C. D., with ..... on or before ....., 189., the full sum of ..... dollars, then and in that case the said ..... is hereby authorized to deliver the inclosed deed to A. B., or his order. In case the said A. B. shall not place, or cause to be placed, to the credit of said C. D., with said ....., the full sum of ..... dollars, on or before ....., 189., then the said ..... is hereby authorized to deliver the inclosed deed to the said C. D., or his order.

(Signed) C. D.  
 E. F.  
 A. B.

# MINING LAWS OF BRITISH COLUMBIA

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## AN ACT RELATING TO GOLD AND OTHER MINERALS EXCEPTING COAL.

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[Being Chapter 34 of the Statutes of 1896.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

SHORT TITLE—1. This act may be cited as the “Mineral Act, 1896.”

INTERPRETATION—2. In the construction of this Act the following expressions shall have the following meanings respectively, unless inconsistent with the context:

“Mine” shall mean any land in which any vein or lode, or rock in place, shall be mined for gold or other minerals, precious or base, except coal:

“Mineral” shall mean all valuable deposits of gold, silver, platinum, iridium, or any of the platinum group of metals, mercury, lead, copper, iron, tin, zinc, nickel, aluminum, antimony, arsenic, barium, bismuth, boron, bromine, cadmium, chromium, cobalt, iodine, magnesium, manganese, molybdenum, phosphorus, plumbago, potassium, sodium, strontium, sulphur (or any combination of the aforementioned elements with themselves or with any other elements), asbestos, emery, mica, and mineral pigments:

Limestone, marble, clay, or any building stone when mined for building purposes shall not be considered as mineral within the meaning of this Act:

“Rock in place” shall mean all rock in place bearing valuable deposits of mineral within the meaning of this Act:

“Vein,” or “lode.” Whenever either of these terms is used in this Act, “rock in place” shall be deemed to be included:

"Mineral claim" shall mean the personal right of property or interest in any mine.

"Mining property" shall include every mineral claim, ditch, mill-site, or water right used for mining purposes, and all other things belonging to a mine or used in the working thereof:

"Legal post" shall mean a stake standing not less than four feet above the ground, and squared or faced on four sides for at least one foot from the top, and each side so squared or faced shall measure at least four inches on its face so far as squared or faced, and any stump or tree cut off and squared or faced to the above height and size:

"Mill-site" shall mean a plot of ground located, as defined by this Act, for the purpose of erecting thereon any machinery or other works for transporting, crushing, reducing, or sampling ores, or for the transmission of power for working mines:

"Streams" shall include all natural watercourses, whether usually containing water or not, and all rivers, creeks, and gulches:

"Ditch" shall include a flume, pipe or race, or other artificial means for conducting water by its own weight, to be used for mining purposes:

"Ditch-head" shall mean the point in a natural water-course or lake, or other source, where water is first taken into a ditch:

"Free miner" shall mean a person or joint stock company, or foreign company, named in and lawfully possessed of a valid existing free miner's certificate, and no other:

"Record," "register," and "registration," shall have the same meaning, and shall mean an entry in some official book kept for that purpose:

"Full interest" shall mean any mineral claim of the full size, or one of several shares into which a mineral claim shall be equally divided:

"Cause" shall include any suit or action:

"Judgment" shall include "order" or "decree:"

"Real estate" shall mean any mineral land in fee simple under this or any Act relating to gold mines, or to minerals other than coal:

"Joint stock company" shall mean any company duly incorporated for mining purposes under the "Companies Act," "Companies Act, 1890," and any company duly incorporated in British Columbia for mining purposes under the "Companies Act, 1862" (Imperial), and shall include all com-



panies, whether foreign or local, registered or incorporated under the "Companies Act."

## PART I.—Free Miners and Their Privileges.

WHO MAY BE—3. Every person over, but not under eighteen years of age, and every joint stock company, shall be entitled to all the rights and privileges of a free miner, and shall be considered a free miner upon taking out a free miner's certificate. A minor who shall become a free miner shall, as regards his mining property and liabilities contracted in connection therewith, be treated as of full age. A free miner's certificate issued to a joint stock company shall be issued in its corporate name. A free miner's certificate shall not be transferable.

CERTIFICATE—4. A free miner's certificate may be granted for one or more years, to run from the date thereof, or from the expiration of the applicant's then existing certificate, upon the payment therefor of the fees set out in the Schedule of Fees to this Act. Only one person or one joint stock company shall be named therein.

FORM OF—5. A free miner's certificate shall be in the following form:

### BRITISH COLUMBIA—FREE MINER'S CERTIFICATE—NOT TRANSFERABLE.

Date, ..... Valid for ..... year.. only. No. ....  
 This is to certify that ....., of ....., has paid me this day the sum of ....., and is entitled to all the rights and privileges of a free miner for ..... year.. from the ..... day of ....., 18...  
 (Signature of Gold Commissioner or Mining Recorder, as the case may be.)

APPLICATION IN ABSENCE OF RECORDER—6. If any person or joint stock company shall apply for a free miner's certificate at the Mining Recorder's office during his absence, and shall leave the fee required by this Act with the officer or other person in charge of the said office, he or it shall be entitled to have such certificate from the date of such application; and any free miner shall at any time be entitled to obtain a free miner's certificate, commencing to run at the expiration of his then existing free miner's certificate, provided that when he applies for such certificate he shall produce to the Mining Recorder, or in case of his absence shall leave with the officer or other person in charge of the Mining Recorder's office, such existing certificate.

"SUBSTITUTED CERTIFICATE"—7. If any free miner's certificate be accidentally destroyed or lost, the owner thereof may, on payment of the fees set out in the Schedule to this Act, have a true copy of it, signed by the Mining Recorder, or other person by whom or out of whose office the original was issued. Every such copy shall be marked "substituted certificate," and unless some material irregularity be shown in respect thereof, every original or substituted free miner's certificate shall be evidence of all matters therein contained.

PENALTY FOR MINING WITHOUT—8. Every person and joint stock company engaged in mining for minerals (other than coal) shall take out a free miner's certificate, and every person or joint stock company who mines or works as a miner in any mineral claim, mine held as real estate, or tunnel, or in any flume, drain, or ditch, without having taken out and obtained such certificate, shall, on conviction thereof in a summary way, forfeit and pay a penalty not exceeding twenty-five dollars, besides costs: Provided, always, that nothing herein contained shall prejudice the right to collect wages or payment for work done by any person who, through not being a free miner, has rendered himself liable to the above penalty.

UNCERTIFICATED PERSON NOT ENTITLED TO INTEREST—9. Subject to the proviso hereinafter stated, no person or joint stock company shall be recognized as having any right or interest in or to any mineral claim, or any minerals therein, or in or to any water right, mining ditch, drain, tunnel, or flume, unless he or it shall have a free miner's certificate unexpired. And on the expiration of a free miner's certificate the owner thereof shall absolutely forfeit all his rights and interests in or to any mineral claim, and all and any minerals therein, and in or to any and every water right, mining ditch, drain, tunnel, or flume, which may be held or claimed by such owner of such expired free miner's certificate, unless such owner shall, on or before the day following the expiration of such certificate, obtain a new free miner's certificate: Provided, nevertheless, should any co-owner fail to keep up his free miner's certificate, such failure shall not cause a forfeiture or act as an abandonment of the claim, but the interest of the co-owner who shall fail to keep up his free miner's certificate shall ipso facto, be and become vested in his co-

owners pro rata, according to their former interests: Provided, nevertheless, that a shareholder in a joint stock company need not be a free miner, and, though not a free miner, shall be entitled to buy, sell, hold, or dispose of any shares therein: And provided, also, that this section shall not apply to mineral claims for which a Crown grant has been issued: Provided, always, that if any person or company shall acquire, by purchase or otherwise, any mine or mineral claim, or interest therein, and it shall appear that some person or company through whom he or it claims title has neglected to take out or keep up a free miner's certificate, according to the provisions of this Act, such person or company so acquiring such mine or mineral claim, or interest therein, may, within one month from the time when he or it shall first acquire knowledge thereof, or if knowledge already acquired within one month after this Act becomes law pay to the Recorder of the Mining Division in which the claim affected is situate the fee or fees which ought to have been paid by such person or company in default as aforesaid, and thereupon the title of such person or company so acquiring the said mine or mineral claim, or interest therein, shall be deemed to be and always to have been as good and effectual as if no such default had occurred, but this last proviso shall not affect litigation pending at the passage of this act.

**LICENSE FOR EMPLOYEES, AND LIST**—10. Every owner of a mine or mineral claim, and every contractor for the performance of any work upon a mine or mineral claim, shall pay the annual fee for a free miner's license for any person in their employment and liable for the fee, and may deduct the amount so paid on account of such person from the amount of salary or wages due or to become due to him from such employer upon production and delivery of the receipt for such tax to such person. Every such owner or contractor shall furnish to the Mining Recorder or Collector, when requested by him so to do, from time to time, a list of all persons in his employ, or indirectly employed by him, liable to pay the said license fee; but no such statement shall bind the Recorder or Collector or excuse him from making due enquiry to ascertain its correctness.

**PENALTY**—11. If any person fails to pay the said license fee for his employees, or to deliver to the Recorder or Collector the list mentioned in the preceding section



when required to do so, or knowingly states anything falsely in such list, such person shall be liable to a penalty not exceeding one hundred dollars, to be recovered, together with the amount of the unpaid license fees, upon summary conviction before one Justice of the Peace.

**FREE MINER MAY PROSPECT—12.** Every free miner shall, during the continuance of his certificate, but not longer, have the right to enter, locate, prospect, and mine upon any waste lands of the Crown for all minerals other than coal, and upon all lands the right whereon to so enter upon, prospect, and mine all minerals other than coal shall have been, or hereafter shall be, reserved to the Crown and its licensees, and also to enter, locate, prospect, and mine for gold and silver upon any lands the right whereon to so enter and mine such gold and silver shall have been, or shall be, reserved to the Crown and its licensees. Excepting out of all the above description of lands any land occupied by any building, and any land falling within the curtilage of any dwelling house, and any orchard, and any land for the time being actually under cultivation and any land lawfully occupied for mining purposes other than placer mining, and also Indian reservations and military or naval reservations: Provided that where any hydraulic mining works, established in accordance with the "Placer Mining Act, 1891," have been in operation, the land which may have been uncovered by the operation of such works shall not be located or mined upon by any free miner other than the person or persons carrying on such hydraulic works for a space of six months next after the same shall have been so uncovered: Provided that in the event of such entry being made upon lands already lawfully occupied for other than mining purposes, and not being a portion of lands granted to and held by or for a railway company under any railway subsidy Act heretofore or to be hereafter passed, such free miner, previously to such entry, shall give adequate security to the satisfaction of the Gold Commissioner or Mining Recorder for any loss or damages which may be caused by such entry; and provided that, after such entry, he shall make full compensation to the occupant or owner of such lands for any loss or damages which may be caused by reason of such entry; such compensation, in case of dispute, to be determined by the court having jurisdiction in mining disputes, with or without a jury.



GAME—13. Any free miner shall be at liberty, at any period of the year, while actually prospecting or engaged in mining, to kill game for his own use.

“PLACER MINING ACT”—14. A free miner shall have all the rights and privileges granted to free miners by the “Placer Mining Act.”

SIZE AND FORM OF CLAIM—15. Any free miner desiring to locate a mineral claim, shall, subject to the provisions of this Act with respect to land which may be used for mining, enter upon the same and locate a plot of ground measuring, where possible but not exceeding, fifteen hundred feet in length by fifteen hundred feet in breadth, in as nearly as possible a rectangular form, that is to say: All angles shall be right angles, except in cases where a boundary line of a previously surveyed claim is adopted as common to both claims, but the lines need not necessarily be meridional. In defining the size of a mineral claim, it shall be measured horizontally, irrespective of inequalities of the surface of the ground.

HOW TO STAKE—16. A mineral claim shall be marked by two legal posts, placed as near as possible on the line of the ledge or vein, and the posts shall be numbered 1 and 2, and the distance between posts 1 and 2 shall not exceed fifteen hundred feet, the line between posts Nos. 1 and 2 to be known as the location line, and upon posts Nos. 1 and 2 shall be written the name given to the mineral claim, the name of the locator, and the date of the location. Upon No. 1 post there shall be written, in addition to the foregoing, “Initial Post,” the approximate compass bearing of No. 2 post, and a statement of the number of feet lying to the right and to the left of the line from No. 1 to No. 2 post thus: “Initial post. Direction to post No. 2, ..... feet of this claim lie on the right, and ..... feet on the left of the line from No. 1 to No. 2 post.”

All the particulars required to be put on No. 1 and No. 2 posts shall be furnished by the locator to the Mining Recorder, in writing, at the time the claim is recorded, and shall form a part of the record of such claim.

When a claim has been located, the holder shall immediately mark the line between posts Nos. 1 and 2 so that it can be distinctly seen; in a timbered locality, by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush he shall set legal

posts or erect monuments of earth or rock not less than two feet high and two feet in diameter at base, so that such line can be distinctly seen.

The locator shall also place a legal post at the point where he has discovered rock in place, on which shall be written "Discovery Post:" Provided that when the claim is surveyed, the surveyor shall be guided entirely by posts 1 and 2 and the notice of No. 1, the initial post, and the records of the claim.

It shall not be lawful to move No. 1 post, neither shall it be lawful to move No. 2 post, except for the correction of distance by the Provincial Government Surveyor. Nos. 1 and 2 posts shall govern the direction of one side of the claim.

(a.) The holder of a mineral claim shall be entitled to all minerals which may lie within his claim, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downwards:

(b.) This Act shall not prejudice the rights of claim-owners nor claim-holders whose claims have been located under former Acts:

(c.) No mineral claim of the full size shall be recorded without the application being accompanied by an affidavit or solemn declaration in the Form S, made by the applicant or some person on his behalf cognizant of the facts: That the legal notices and posts have been put up; that mineral has been found in place on the claim proposed to be recorded; that the ground applied for is unoccupied by any other person as a mineral claim, and is not occupied by any building, or any land falling within the curtilage of any dwelling-house, or any orchard, or any land under cultivation of any Indian reservation. In the said declaration shall be set out the name of the applicant, the number and date of his free miner's certificate, and the name of the place where the said certificate was issued, and the date of the location of the claim. The words written on the No. 1 and No. 2 posts shall be set out in full, and as accurate a description as possible of the position of the claim given, having special reference to any prior locations which it may join:

No mineral claim which at the date of its record is known by the locator to be less than a full sized mineral claim, shall be recorded without the word "fraction" being added to the name of the claim, and the application being

accompanied by an affidavit or solemn declaration in the Form T, made by the applicant or some person on his behalf cognizant of the facts: That the legal posts and notices have been put up; that mineral has been found in place on the fractional claim proposed to be recorded; that the ground applied for is unoccupied by any other person as a mineral claim, and is not occupied by any building, or any land falling within the curtilage of any dwelling-house, or any orchard, or any land under cultivation, or any Indian Reservation. In the said declaration shall be set out the name of the applicant, the number and date of his free miner's certificate, and the name of the place where the said certificate was issued, and the date of the location of the claim. The words written on the No. 1 and No. 2 posts shall be set out in full, and as accurate a description as possible of the position of the claim given. A description of the land bounding the fractional claim on all sides shall state whether it is vacant Crown land or land occupied by mineral claims, with the names of the claims. A sketch plan shall be drawn by the applicant on the back of declaration, showing as near as may be the position of the adjoining mineral claims, and the shape and size, expressed in feet, of the fraction desired to be recorded:

(d.) Provided that the failure on the part of the locator of a mineral claim to comply with any of the foregoing provisions of this section shall not be deemed to invalidate such location, if upon the facts it shall appear that such locator has actually discovered mineral in place on said location, and that there has been on his part a bona fide attempt to comply with the provisions of this Act, and that the non-observance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity.

SUNDAY—17. Any location made upon Sunday or any public holiday shall not for that reason be invalid, any law or statute to the contrary notwithstanding.

STAKING OUT—18. In cases where, from the nature or shape of the ground, it is impossible to mark the location line of the claim, as provided by this act, then the claim may be marked by placing legal posts as nearly as possible to the location line, and noting the distance and direction such posts may be from such location line, which distance and direction shall be set out in the record of the claim.



**RECORD—19.** Every free miner locating a mineral claim shall record the same with the Mining Recorder of the district within which the same is situate, within fifteen days after the location thereof, if located within ten miles of the office of the said Mining Recorder. One additional day shall be allowed for such record for every additional ten miles or fraction thereof. Such record shall be made in a book to be kept for the purpose in the office of the said Mining Recorder, in which shall be inserted the name of the claim, the name of each locator, the number of each locator's free miner's certificate, the locality of the mine, the direction of the location line, the length in feet, the date of location, and the date of the record. Such record shall be, as near as may be possible, in the form B in the Schedule to this Act, and a certified copy thereof shall be given by the Mining Recorder to the free miner or his agent. A claim which shall not have been recorded within the prescribed period shall be deemed to have been abandoned.

**WHEN A FREE MINER ENTITLED TO RECORD—20.** A free miner shall not be entitled to a record of a mineral claim until he shall have furnished the said Mining Recorder with all the above particulars.

**RECORDER'S OFFICE—21.** Upon the establishment of a mining division and the opening of a Mining Recorder's Office therein, under the authority of this Act, such office and none other shall be the proper office for recording all mineral claims within such mining division, and making all records in respect thereof.

**RECORDING CLAIM IN WRONG DISTRICT—22.** If through ignorance any free miner shall record a mineral claim in a different mining division to that in which such claim is situate, such error shall not affect his title to such claim, but he shall, within fifteen days from the discovery of his error, record such claim in the mining division in which it is situate, and such new record shall bear the date of the first record, and a note shall be made thereon of the error and of the date of the rectification of the same.

**ABSENCE OF RECORDER—23.** If a free miner applies at the Mining Recorder's Office during his absence to record a mineral claim, or any document or other matter required by this Act to be recorded, and leaves the fee required by this Act, and the particulars and information



required to enable the Mining Recorder to make such record, with the officer or other person in charge of said office, he shall be entitled to have such record dated on the date of such application.

**DURATION OF CLAIM—24.** Any free miner having duly located and recorded a mineral claim shall be entitled to hold the same for a period of one year from the recording of the same, and thence from year to year without the necessity of re-recording: Provided, however, that during each year and each succeeding year, such free miner shall do, or cause to be done, work on the claim itself to the value of one hundred dollars, and shall satisfy the Gold Commissioner or Mining Recorder that such work has been done, by an affidavit of the free miner or his agent, setting out a detailed statement of such work, and shall obtain from such Gold Commissioner or Mining Recorder, and shall record a certificate of such work having been done: Provided, also, that all work done outside of a mineral claim with intent to work the same shall, if such work have direct relation and be in direct proximity to the claim, be deemed, if to the satisfaction of the Gold Commissioner or Mining Recorder, for the purposes of this section, to be work done on the claim: Provided, further, that any free miner, or company of free miners holding adjoining mineral claims, or any two or more free miners who locate and record adjoining mineral claims, to be worked by them in partnership under the provisions of any Act for the time being in force, shall, subject to filing a notice of their intention with the Gold Commissioner or Mining Recorder, be allowed to perform on any one or more of such claims all the work required to entitle him or them to a certificate for work for each claim so held by him or them. If such work shall not be done, or if such certificate shall not be so obtained and recorded, in each and every year, the claim shall be deemed vacant and abandoned, any rule of law or equity to the contrary notwithstanding.

**PAYMENT INSTEAD OF ASSESSMENT—25.** The holder of a mineral claim may, in lieu of the work required to be done by section 24 of this Act, on a claim in each year, pay to the Mining Recorder in whose office the claim is recorded the sum of one hundred dollars and receive from such Recorder and record a receipt for such

payment. Such payment and the record thereof in any year shall relieve the person making it from the necessity of doing any work during the year in and for which and upon the claim in respect of which such payment is recorded.

**SURFACE RIGHTS—26.** The owner of a mineral claim shall be entitled to all surface rights, including the use of all the timber thereon for mining or building purposes in connection with the working of said claim, so long as he holds the said claim for the purpose of developing the minerals contained therein, but no longer.

**PRIORITY OF LOCATION—27.** In case of any dispute as to the location of a mineral claim the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the record itself, and subject, further, to the free miner having complied with all the terms and conditions of this Act.

**IRREGULARITIES PREVIOUS TO LAST CERTIFICATE OF TITLE—28.** Upon any dispute as to the title to any mineral claim no irregularity happening previous to the date of the record of the last certificate of work shall affect the title thereto, and it shall be assumed that up to that date the title to such claim was perfect, except upon suit by the Attorney-General based upon fraud.

**ONLY ONE CLAIM HELD BY FREE MINER—29.** No free miner shall be entitled to hold in his own name, or in the name of any other person, more than one mineral claim on the same vein or lode, except by purchase, but such free miner may hold by location a claim upon any separate vein or lode.

**ABANDONMENT—30.** A free miner may at any time abandon any mineral claim by giving notice in writing of such intention to abandon to the Mining Recorder, and from the date of such notice all interest of such free miner in such claim shall cease.

**MACHINERY ON—31.** When a free miner abandons a mineral claim he shall have the right to take from the same any machinery and any personal property which he may have placed on the claim, and any ore which he may have extracted therefrom, within such time as shall be fixed by the Gold Commissioner or Mining Recorder.

**RE-LOCATION OF—32.** No free miner shall be entitled to re-locate any mineral claim, or any portion thereof, which he shall have failed to record within the prescribed period, or which he shall have abandoned or forfeited, unless he shall have obtained the written permission of the Gold Commissioner to make such relocation; and he shall hold no interest in any portion of such mineral claim, by location, without such permission.

**RIGHT TO LODES DISCOVERED IN A TUNNEL—**  
33. Where a tunnel is run for the development of a vein or lode the owner of such tunnel shall, in addition to any mineral claim legally held by him, have the right to all veins or lodes discovered in such tunnel: Provided that the ground containing such veins or lodes be marked out by him as a mineral claim, and be duly recorded within fifteen days after such discovery; and provided further, that such veins or lodes are not included in any exsisting mineral claim. Any money or labor expended in constructing a tunnel to develop a vein or lode shall be deemed to have been expended on such vein or lode.

**INTEREST IN CLAIM—34.** The interest of a free miner in his mineral claim shall, save as to claims held as real estate, be deemed to be a chattel interest, equivalent to a lease, for one year, and thence from year to year, subject to the performance and observance of all the terms and conditions of this act.

**PURCHASE OF—35.** Any lawful holder of a mineral claim shall be entitled to a Crown grant thereof on payment to the Government of British Columbia of the sum of five hundred dollars in lieu of expenditure on the claim. The intending purchaser shall comply with all the provisions of section 36 of this Act, except such as have respect solely to the work required to be done on claims.

**WHO ENTITLED TO CERTIFICATE OF IMPROVEMENTS—36.** Whenever the lawful holder of a mineral claim shall have complied with the following requirements, to the satisfaction of the Gold Commissioner, he shall be entitled to receive from the Gold Commissioner a certificate of improvements in respect of such claim, unless proceedings by the person claiming an adverse right under section 37 of this Act have been taken:

(a.) Done or caused to be done work on the claim itself in developing a mine to the value of five hundred dollars,



exclusive of all houses, buildings and other like improvements. For the purpose of this section work done on the claim by a predecessor or predecessors in title shall be deemed to have been done by the applicant who receives a transfer of such claim; but in no case shall the cost of surveying be considered as improvements or work done on the claim:

(b.) Found a vein or lode within the limits of such claim:

(c.) Had the claim surveyed by an authorized Provincial Land Surveyor, who shall have made three plats of the claim, and who shall have accurately defined and marked the boundaries of such claim upon the ground, and indicated the corners by placing monuments or legal posts at the angles thereof, and upon such monuments or posts shall be inscribed by him the name and the official designation of the claim, and the corner represented thereby, and who shall have, on completion of survey, forwarded at once the original field-notes and plan direct to the Lands and Works Department. After a certificate of improvements has issued in respect of any claim so surveyed, prima facie evidence of its location upon the ground may be given by any person who has seen and can describe the positions of such posts purporting to be so marked as aforesaid, and the said field-notes, or a copy thereof certified in accordance with the "Evidence Act," shall be received in all courts as prima facie evidence of the facts which they purport to set forth:

(d.) Shall have posted on some conspicuous part of the land embraced in the survey a copy of the plat of the claim, and a legible notice in writing, in form F of the schedule to this Act, of his intention to apply for a certificate of improvements, and shall also have posted a similar notice in the Mining Recorder's office, and such notice shall contain—

- (1.) The name of the claim;
- (2.) The name of the lawful holder thereof;
- (3.) The number of such holder's existing free miner's certificate.

(4.) His intention to apply for certificate of improvements at the end of sixty days, for the purpose of obtaining a Crown grant;

- (5.) The date of the notice:

(e.) Inserted a copy of such notice in the British Columbia Gazette and in any newspaper published in the Province, and circulating in the district in which the claim is situate, for at least sixty days prior to such application, which inser-



tion can be made at any time after the posting of the notice on the claim:

(f.) Shall have filed with the Mining Recorder a copy of the surveyor's original field-notes and plat immediately after posting the notice on the claim of his intention to apply for a certificate of improvements:

(g.) Filed with the Mining Recorder—

(1.) An affidavit of the holder of the claim, or his agent, in the Form G in Schedule of this Act.

(h.) At the expiration of the term of the said publication, provided no action shall have been commenced and notice thereof filed with the Mining Recorder, he shall forward to the owner or agent, under Form I of the Schedule to this Act, the documents referred to above, together with a certificate that the notice provided by section 36, sub-section (d), has been posted in his office, and the field-notes and plan deposited for reference therein from the date of the first appearance of the said notice in the British Columbia Gazette and continuously therefrom for a period of at least sixty days. The Recorder shall also set out in Form I the name of the recorded owner of the claim at the date of signing the same.

CERTIFICATE NOT IMPEACHED WHEN—37. (1.) A certificate of improvements when issued as aforesaid shall not be impeached in any court on any ground except that of fraud.

(2.) In case any person shall claim an adverse right of any kind, either to possession of the mineral claim referred to in the application for certificate of improvements or any part thereof, or to the minerals contained therein, he shall, within sixty days after the publication in the British Columbia Gazette of the notice referred to in section 36 hereof (unless such time shall be extended by special order of the court upon cause being shown), commence an action in the Supreme Court of British Columbia to determine the question of the right of possession or otherwise enforce his said claim, and shall file a copy of the writ in said action with the Mining Recorder of the district or mining division in which the said claim is situate within twenty days from the commencement of said action, and shall prosecute the said suit with reasonable diligence to final judgment, and a failure to so commence or so to prosecute shall be deemed to be a waiver of the plaintiff's claim. After final judgment shall have been rendered in the said action the person or any one of the persons entitled to the possession of the claim or any part there-

of, may file a certified copy of the same in the office of the Mining Recorder. After the filing of the said judgment, and upon compliance with all the requirements of the next preceding section, such person or persons shall be entitled to the issue to him or to them of a certificate of improvements in respect of the claim or the portion thereof which he or they shall appear from the decision of the court rightly to possess: Provided that this section shall not apply to any adverse claim filed or action to enforce the same commenced prior to the date of this Act coming into force, but the same shall be continued in the same manner as if this Act had not been passed.

**CERTIFICATE OF IMPROVEMENTS—38.** After the issuing and recording of such certificate of improvements, and while such certificate shall be in force it shall not be necessary to do any work on such claim.

**WHEN ENTITLED TO GRANT—39.** On the granting and recording of such certificate of improvements in respect to a mineral claim situate outside of the Railway Belt, the holder thereof shall be entitled to a Crown grant of such claim without the payment of five hundred dollars required by section 35. And on the granting and recording of such certificate of improvements in respect of a mineral claim situate inside the Railway Belt, the holder thereof shall be entitled to a Crown grant of such claim on the payment of five dollars per acre to the Mining Recorder.

**APPLICATION FOR GRANT—40.** The holder of a mineral claim for which a certificate of improvements has been granted and recorded shall make application for a Crown grant to the Gold Commissioner, enclosing his certificate of improvements, the Crown grant fee of five dollars, the Mining Recorder's Certificate, Form I, the field-notes and plat, and the affidavit, Form G, within three months from the date of such certificate of improvements, and in default of such application having been made within such time such certificate of improvements shall lapse and become absolutely void.

**TRANSFER AFTER APPLICATION—41.** If the holder of a mineral claim, after applying for a certificate of improvements, shall sell and transfer such claim to another free miner, upon satisfactory proof of such sale and transfer being made to the Gold Commissioner, the new holder of the claim shall be entitled to a certificate of improvements in his own

name. And if a sale and transfer shall be made to any person or company after a certificate of improvements shall have been issued, upon proper proof of such sale and transfer being made to the satisfaction of the Chief Commissioner of Lands and Works, the Crown grant shall issue to the new holder of the claim.

WHEN NOT TO TRANSFER—42. When a holder of a mineral claim has taken out his certificate of improvements he shall not record any transfer of his rights in the said claim until he obtains his Crown grant.

LIEN—43. The issuance of a Crown grant shall not invalidate any lien which may have attached to any mineral claim previous to the issuance of such Crown grant.

WHAT PASSES BY GRANT ON WASTE LAND—44. A Crown grant of a mineral claim located on any waste lands of the Crown shall be deemed to transfer and pass the right to all minerals within the meaning of this Act (excepting coal) found in veins, lodes, or rock in place, and whether such minerals are found separately or in combination with each other, in, upon, or under the land in the said Crown grant mentioned.

WHAT PASSES BY GRANT WHEN ALL MINERALS (SAVE COAL) HAVE BEEN RESERVED—45. Crown grants of mineral claims located on lawfully occupied lands, the right whereon to enter, prospect, and mine all minerals (other than coal) has been reserved to the Crown and its licensees, shall pass to the grantee all minerals within the meaning of this Act (other than coal) found in veins, or lodes, or rock in place, and whether such minerals are found separately or in combination with each other, which may be in, upon, or under the land in the said Crown grant mentioned, and including all the rights given to mineral claim holders of mineral claims so located, but such Crown grant shall expressly reserve the rights of such prior occupant.

(Where the mineral claim is located on land lawfully occupied under a timber lease, the Crown grant shall convey the surface and minerals within the meaning of this Act (save coal) found in veins, or lodes, or rock in place, but shall reserve the timber.)

WHAT PASSES BY GRANT WHEN GOLD AND SILVER HAS BEEN RESERVED—46. Crown grants of mineral claims located on lawfully occupied lands, the right whereon to enter and mine gold and silver has been reserved to the



Crown and its licensees, shall pass to the grantee all the gold and silver found in veins, or lodes, or rock in place, which may be in, upon, or under the land in the said Crown grant mentioned, and including all the rights given to mineral claim holders of mineral claims so located; but such Crown grant shall expressly reserve the rights of such prior occupant.

**ADVERSE CLAIM TO PART—47.** If an adverse claim shall only affect a portion of the ground for which a certificate of improvements is applied, the applicant may relinquish the portion covered by the adverse claim, and still be entitled to a certificate of improvements for the undisputed remainder of his claim, upon complying with the requirements of this Act.

**AFTER JUDGMENT—48.** When judgment in such case is rendered by the court, a memorandum of such judgment shall be entered in the "Record Book;" and if by any judgment the original boundaries of any claim shall be changed, a plat made by a Provincial Land Surveyor, and signed by the judge by whom the judgment has been given, shall be filed in the office of the Mining Recorder.

**RECORDING—49.** Every conveyance, bill of sale, mortgage, or other document of title relating to any mineral claim, not held as real estate, or mining interest, shall be recorded within the time prescribed for recording mineral claims: Provided, always, that the failure to so record any such document shall not invalidate the same as between the parties thereto, but such documents as to third parties shall take effect from the date of record, and not from the date of such document: And provided further, that after the issuance of a Crown grant for any mineral claim it shall not be necessary to register any transfer or other document of title executed subsequent to such Crown grant with the Mining Recorder of the district in which the said claim is situated; but all documents relating to the same may thereafter be registered in the same manner as are other documents of title relating to the transfer of real estate, and all the provisions of the "Land Registry Act," and any amendments thereto shall apply to such registration.

**TRANSFERS—50.** No transfer of any mineral claim, or of any interest therein, shall be enforceable unless the same shall be in writing, signed by the transferer, or by his agent authorized in writing, and recorded by the Mining Recorder;



and if signed by an agent, the authority of such agent shall be recorded before the record of such transfer. All mineral claims derived under Crown grant, and every transfer thereof, or any interest therein, shall be registered under the provisions of the "Land Registry Act."

UNDER "GOLD MINING AMENDMENT ACT, 1873"—51. The transfer of any real estate acquired under the provisions of the Gold Mining Amendment Act, 1873," shall be in writing, signed by the transferrer or his agent authorized in writing, and need not be by deed or under seal.

ILLNESS AND DEATH OF MINER—52. No mineral claim shall be open to location by any other person during the last illness nor, unless with the permission in writing of the Gold Commissioner, for twelve months after the death of the lawful holder.

FAULTS OF OFFICIALS—53. No free miner shall suffer from any acts of omission, or commission, or delays on the part of any Government official, if such can be proven.

## PART II.—Mill Sites.

LOCATION OF—54. A free miner may locate any unoccupied and unreserved Crown land not known to contain mineral, and not exceeding five acres, as a mill-site. No free miner shall be entitled to obtain and hold under this section more than one mill-site for each mineral claim lawfully held by him. Such mill-site shall be as nearly as possible in the form of a square. On locating a mill-site, the free miner shall comply with the following requirements:

(a.) Mark out the land by placing a legal post at each corner:

(b.) Post a notice on each post, stating—

1. The name of such free miner:
2. The number of his free miner's certificate:
3. His intention, at the expiration of sixty days from the date of the notice, to apply for the land as a mill-site:
4. The date of the notice:

(c.) Post a copy of such notice on the office of the Mining Recorder.

LEASE AND CROWN GRANT, WHEN—55. On the expiration of sixty days after the fulfillment of the above requirements, the free miner shall deposit, in duplicate, in the

office of the Mining Recorder, a plat of the said land made by an authorized Provincial Land Surveyor, and prove by affidavit that he has complied with the above requirements, and that the said land is not known to contain minerals, and shall furnish such other proof of the non-mineral character of the land as the Gold Commissioner may require; the free miner shall then be entitled to a lease, for one year, of said land, which lease shall be executed by the Gold Commissioner. If, during the continuance of such lease, such free miner shall prove to the satisfaction of the Gold Commissioner that he has put or constructed works, or machinery for mining or milling purposes, on the said mill-site of the value of at least five hundred dollars, he shall be entitled to a Crown grant of such mill-site upon payment of five dollars per acre of such land. Any free miner now having a lease of a piece of land for a mill-site, upon proving to the satisfaction of the Gold Commissioner that he has put or constructed works, or machinery for mining or milling purposes, on said mill-site of the value of at least five hundred dollars, shall, on payment of five dollars per acre, be entitled to a Crown grant of such mill-site.

APPLICATION FOR CROWN GRANT OF MILL-SITE—56. On applying for a Crown grant of a mill-site, the free miner shall—

(1.) Pay the sum of five dollars per acre to the Mining Recorder:

(2.) Deposit with the Mining Recorder the following documents:

(a.) Lease of the mill-site:

(b.) Plat of the mill-site:

(c.) Surveyor's original field-notes:

(d.) A certificate from the Gold Commissioner that works or machinery for mining or milling purposes have been put or constructed on the mill-site to the value of at least five hundred dollars:

(e.) Application for the Crown grant.

WHAT PASSES—57. Crown grants of mill-sites shall pass to the grantee all the surface of the land in the said Crown grant mentioned, but all such Crown grants shall expressly reserve all minerals under the said land, and the right to the Crown and its licensees to enter and mine the said minerals, and may be in the following form:

(L. S.)

ROYAL ARMS.

Province of British Columbia.

No. ....

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith, and so forth. To all to whom these presents shall come—Greeting:

Know ye that we do by these presents, for Us, Our heirs and successors, in consideration of the sum of ..... to Us paid, give and grant unto ..... h.... heirs and assigns, All that parcel or lot of land situate ..... and numbered ..... on the official plan or survey of the said ..... in the Province of British Columbia. To have and to hold the said parcel or lot of land, and all and singular the premises hereby granted, with their appurtenances, unto the said ..... h.... heirs and assigns forever.

Provided, nevertheless that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume any part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges, towing-paths, or other works of public utility or convenience, so nevertheless that the lands so to be resumed shall not exceed one-twentieth part of the whole of the lands aforesaid, and that no such resumption shall be made by any lands on which any buildings may have been erected, or which may be in use for the more convenient occupation of any such buildings.

Provided also, that it shall at all times be lawful for Us, Our heirs and successors, or for any person or persons acting under Our or their authority, to enter into and upon any part of the said lands, and to raise and get thereout any minerals, within the meaning of this Act, which may be thereupon or thereunder situate, and to use and enjoy any and every part of the same land, and of the easements and privileges thereto belonging, for the purpose of such raising and getting, and every other purpose connected therewith, paying in respect of such raising, getting, and use, reasonable compensation.

Provided also, that it shall be lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take and occupy such water privileges, and to have and enjoy such rights of carrying water over, through or under any parts of the hereditaments hereby granted, as may be reasonably required for mining or agricultural purposes in the vicinity of the said hereditaments, paying therefor a reasonable compensation to the aforesaid ..... h.... heirs and assigns.

Provided also, that it shall be at all times lawful for any person duly authorized in that behalf by Us, Our heirs and successors, to take from or upon any part of the hereditaments hereby granted, without compensation, any gravel, sand, stone, lime, timber, or other material which may be required in the construction, maintenance, or repair of any roads, ferries, bridges, or other public works.

In testimony whereof We have caused these Our Letters to be made patent, and the Great Seal of our Province of British Columbia to be hereunto affixed: Witness, His Honour ..... Lieutenant-Governor of Our Province of British Columbia, at Our Government House, in Our City of Victoria, this ..... day of ..... in the year of Our Lord one thousand eight hundred and ....., and in the ..... year of Our Reign. ....

By Command.

## Tunnels and Drains.

**LICENSE TO RUN—58.** Any free miner, being the holder of a mineral claim or mine held as real estate, may, at the discretion of the Gold Commissioner, obtain a license to run a drain or tunnel, for drainage or any other purpose connected with the development or working of such claim or mine, through any occupied or unoccupied lands, whether mineral or otherwise, upon security being first deposited or given to such Gold Commissioner to his satisfaction for any damage that may be done thereby, and upon such other terms as he shall think expedient.

## Water Rights.

**GRANT OF—59.** A free miner who is the holder of a mineral claim or mine held as real estate, or of any mill-site, may, at the discretion of the Gold Commissioner, obtain a grant to a water right in any unappropriated water, for any mining or milling purpose, for any term not exceeding twenty years, upon such terms and conditions as such Gold Commissioner shall think fit.

**WHAT DONE BEFORE APPLYING FOR GRANT—60.** Before applying for any such grant, the free miner shall—

(1.) Post a notice in writing on a legal post upon some conspicuous part of the ground on which such water is intended to be used and a copy of such notice on the office of the Mining Recorder for at least sixty days, which notice shall contain the following particulars:

(a.) The name of each applicant:

(b.) The number of each applicant's free miner's certificate:

(c.) The name, or if unnamed, a sufficient description of the stream, lake or other source from which such water is intended to be taken:

(d.) The point of diversion, or intended ditch-head:

(e.) The number of inches of water applied for:

(f.) The purpose for which it is required:

(g.) The date of the notice.

(2.) If more than three hundred inches are applied for, a deposit shall be made with the Gold Commissioner of twenty-five dollars, to be refunded if the grant is not made.



**RECORD OF—61.** The grant of such water right shall be recorded in the office of the Mining Recorder within the time limited for the recording of mineral claims, which time can be extended by the Gold Commissioner in his discretion.

**EFFECTUAL, WHEN—62.** No grant shall take effect until recorded.

**PRIORITY OF NOTICE—63.** On any dispute prior to such grant, priority of notice shall constitute priority of right.

**DATE OF GRANT—64.** A grant duly recorded shall speak from the date of the grant and not from the date of the record.

**RIGHTS OF MINERS—65.** Every such grant shall be subject to the rights of such free miners as shall, at the date of such grant, be working on the stream above or below the ditch-head, and of any other persons lawfully using such water for any purpose whatsoever; and such grant shall be deemed as appurtenant to the mineral claim, mine held as real estate, or mill-site, in respect of which it has been obtained, and whenever the claim or mine shall have been worked out or abandoned, or whenever the occasion for the use of the water upon the claim, mine or mill-site shall have permanently ceased, the grant shall be at an end and determined.

**WATER NOT SOLD—66.** No person shall be entitled to any such grant of water for the purpose of selling such water, or of using the same otherwise than for the purpose for which the water was recorded.

**COMMENCEMENT OF CONSTRUCTION—67.** Within six months after the grant is made, the grantee shall commence the construction of the ditch or other works through which he intends to convey the water, and shall prosecute the same diligently and uninterruptedly to completion, unless interrupted by the severity of the weather: Provided, always, that the Gold Commissioner may, in his discretion, allow such work to cease for any time, upon cause being shown. Upon the non-fulfilment of any of the conditions of this section the grant shall be forfeited.

**CHANGE OF POINT OF DIVERSION—68.** The Gold Commissioner shall, in his discretion, have power to allow

a grantee of any water right to change the place of diversion, on giving such notices and complying with such terms as the Gold Commissioner may require.

WASTE OF WATER—69. Every such grantee shall take all reasonable means for utilizing the water granted to him; and if he wilfully waste any water, or take a quantity of water in excess of his requirements, the Gold Commissioner may declare his grant to be forfeited.

BRIDGE STREAM, ETC.—70. Any person desiring to bridge any stream, claim or other place, for any purpose, or to mine under or through any ditch or flume, or to carry water through or over any land already occupied, may do so with the written sanction of the Gold Commissioner. In all such cases the right of the party first in possession, whether of the mine or the water right, is to prevail, so as to entitle him to compensation if the same be just.

RULE, WATER MEASUREMENT—71. In measuring water in any ditch or sluice, the following rules shall be observed: The water taken into a ditch or sluice shall be measured at the ditch or sluice head. No water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it. One inch of water shall mean half the quantity that will pass through an orifice two inches high by one inch wide, with a constant head of seven inches above the upper side of the orifice.

NOTICE ON APPROACHING DITCH—72. Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of a registered claim, or mine held as real estate, or to dig or loosen any earth or rock within four feet of any ditch not belonging solely to the registered owner of such claim or mine, three days' notice in writing of such intention shall be given before entering or approaching within twenty feet of such other property.

RIGHT TO DIVERT DITCH—73. Any person heretofore or hereafter engaged in the construction of any road or work may, with the sanction of the Gold Commissioner, cross, divert, or otherwise interfere with any ditch, water right, or other mining rights whatsoever, for such period as the said commissioner shall direct.

**OWNER CONSTRUCT WATER WASTE—74.** The owner of any ditch, flume, or pipe shall, at his own expense, construct, secure and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, flume, or pipe.

**KEEP DITCH IN REPAIR—75.** The owner of any ditch, flume, or pipe shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair to the satisfaction of the Gold Commissioner, so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch, flume, or pipe.

**LIABLE FOR DAMAGES—76.** The owner of any ditch, flume, or pipe shall be liable and shall make good, in such manner as the Gold Commissioner shall determine, all damages which may be occasioned by or through any parts of the works of such ditch, flume, or pipe breaking or being imperfect.

**WHAT IS NOTICE—77.** If any written notice to the party intended to be affected thereby be posted for ten days on some conspicuous part of any premises referred to in such notice, and also in the office of the Mining Recorder, such notice shall be deemed good and sufficient.

**RENEWAL WATER RIGHT—78.** When the term for which any water right has been granted shall have expired, the grantee thereof may, at the discretion of the Gold Commissioner, obtain a renewal of the same for a reasonable term, not to exceed ten years, provided the necessity for the use of said water for the purpose for which it was originally granted continues to exist.

**COMMISSIONER LAY OUT ROADS—79.** Nothing herein contained shall be construed to limit the right of the Chief Commissioner of Lands and Works to lay out, from time to time, the public roads of the Province, across, through, along, or under any ditch, water right, or mining right, in any Crown land, without compensation, provided that as little damage as possible shall be done in so doing.

### PART III.—Mining Partnerships.

GOVERNMENT OF—80. All mining partnerships shall be governed by the provisions hereof, unless they shall have other and written articles of partnership.

PARTNERSHIP TO BE ANNUAL—81. A mining partnership shall, unless otherwise agreed upon, be deemed to be a yearly partnership, renewable from year to year by tacit consent.

SCOPE OF—82. The business of the partnership shall be mining and such other matters as pertain solely thereto.

RECORD OF—83. Mining partnerships can locate and record in the partnership name a mineral claim for each partner, but the name of every partner, and the number of every partner's free miner's certificate shall be on the record of every such claim. The partnership name must appear on every such record, and all the claims so taken up shall be the property of the partnership: Provided, always, that no free miner who is the member of a mining partnership, holding by right of location a mineral claim, shall be entitled to hold by right of location in his own name or in the name of any other partnership any interest in any other mineral claim on the same vein or lode on which the partnership claim is situate.

PARTNER FAILING TO KEEP UP FREE MINER'S CERTIFICATE—84. Should any partner fail to keep up his free miner's certificate, such failure shall not cause a forfeiture, or act as an abandonment of the partnership claim, but the share of the partner who shall so fail to keep up his free miner's certificate shall, ipso facto, be and become vested in his partners, pro rata, according to their former interests, on the said partners paying the free miner's certificate for the year.

RIGHT TO VOTE—85. A partner in any mining partnership or his agent authorized in writing shall, at any meeting thereof, be entitled to vote upon any interest or fraction of an interest which he may hold therein; but the result of the votes given shall be determined by the number of the full interests voted upon, and not by the number of partners voting at such meeting.



**MAJORITY, MAKE ASSESSMENTS—86.** A majority of such votes may decide when, how long, and in what manner to work the partnership claim, the number of men to be employed, and the extent and manner of levying the assessment to defray the expenses incurred by the partnership: Such majority may also choose a foreman or manager, who shall represent the partnership, and sue and be sued in the name of the partnership for assessments and otherwise; and he shall have power to bind them by his contracts: Every partner, or his duly authorized agent, shall be entitled to represent his interest in the partnership property by work and labor so long as such work and labor be satisfactory to the foreman or manager. In the event of such workman being discharged by the foreman or manager, the court having jurisdiction in mining disputes may, if requested, summon the foreman or manager before it, and upon hearing the facts make such order as it shall deem just.

**ASSESSMENTS—87.** All assessments shall be payable within thirty days after being made.

**DEFAULT—88.** Any partner making default in payment after receiving a notice specifying the amount due by him, shall, if such amount be correct, be personally liable therefor to the partnership, and his interest in the partnership property may be sold by the partnership for the payment of the debt, and any further assessments which may have accrued thereon up to the day of sale, together with all costs and charges occasioned by such default; and if the proceeds of the sale be insufficient to pay off the several sums mentioned, the court having jurisdiction in mining disputes, upon being applied to, shall issue an order directed to the Sheriff to seize and sell any other personal property of the debtor. Notices of sale shall, in either of the above cases, be conspicuously posted thirty clear days prior to the day of sale in the vicinity of such mining or other property, and on the Court House or Mining Recorder's office nearest thereto. But if such partner be absent from the district such notices shall be posted as aforesaid sixty clear days before the day of sale, and a copy of such notice shall be published in some newspaper circulating in the district wherein such mining or other property is situate. Such sale shall be by public auction to the highest bidder. The purchaser shall be entitled to possession of the property sold, and to a bill of sale therefor signed by the auctioneer; such

bill of sale shall confer such title upon the purchaser as the owner had. And for the purpose of carrying out the provisions of this section the Mining Recorder of the mining division in which the property to be sold is situate, or some one appointed by him, may act as auctioneer.

NOTICE OF ABANDONMENT—89. After a notice of abandonment in writing shall have been served on the foreman or manager of a partnership by any member thereof, and duly recorded, such member shall not be liable for any debts or other liabilities of the partnership incurred after service and record of such notice, and no member shall be deemed to have abandoned an interest until service and record of such notice.

TITLE TO ABANDONED SHARE—90. Upon the abandonment of any share in a mining partnership, the title to the abandoned share shall vest in the continuing partners, pro rata, according to their former interests.

WHAT PARTNER MAY SELL—91. Any partner shall be entitled to sell, or contract for the sale of, his interest in the partnership property, but such interest shall continue liable for all the debts of the partnership.

DEBTS AFTER SALE—92. No partner shall, after a bill of sale conveying his interest has been recorded, be liable for any indebtedness of the partnership incurred thereafter.

### Limited Liabilities.

LIABILITY—93. Any mining partnership composed of two or more free miners may limit the liability of its members, upon complying with the requirements following, that is to say:

Upon filing with the Mining Recorder a declaratory statement containing the name of the partnership, the location and size of every partnership claim, and the particular interest of each partner; and also placing upon a conspicuous part of every such claim, in large letters, the name of the partnership, followed by the words "Limited Liability."

NAME—94. The words "Limited Liability" shall thereupon become part of the partnership name.

**EFFECT—95.** After such conditions shall have been complied with, no member of such partnership shall be liable for any indebtedness incurred thereafter beyond an amount proportioned to his interest in the partnership.

**ACCOUNTS—96.** Every such partnership shall keep a correct account of its assets and liabilities, together with the names of the partners, and the interest held by each, and shall make out a monthly balance sheet showing the names of the creditors, and the amounts due to each, and file the same among the papers of the partnership; and such balance sheet and all the books of the partnership shall be open to the inspection of creditors at all reasonable hours.

**PARTNER SELL HIS INTEREST—97.** Every partner in such partnership shall be at liberty to sell or dispose of his interest therein, or of any part thereof, to any free miner.

**AFTER SALE, NOT LIABLE FOR DEBTS—98.** No member of such partnership, after a bill of sale conveying his interest has been duly recorded, or after he has served a notice of abandonment of his interest on the foreman, and left a copy thereof with the Mining Recorder, shall be liable for any indebtedness of the partnership incurred thereafter.

**DIVIDENDS—99.** No such partnership shall declare any dividend until all its liabilities have been paid.

**FOREMAN—100.** Every such partnership shall appoint a foreman or manager, who shall represent the parentship, who shall sue and be sued in the name of the partnership, and his contracts in relation to the business of the partnership shall be deemed to be the contracts of the partnership.

**PARTNERSHIP LIABILITY—101.** No such partnership shall be liable for any other indebtedness than that contracted by its foreman or manager, or by its agent duly authorized in writing.

**FAILURE TO COMPLY—102.** Should any such partnership fail to comply with any of the provisions of this Act relating exclusively to "limited liability" partnerships, such partnerships shall, from the date of such failure, cease to be a "limited liability" partnership.

## PART IV.

## Mining Recorders—Appointment, Duties, Powers.

APPOINTMENT—103. The Lieutenant-Governor in Council may appoint any person to be a Mining Recorder in and for any part of the Province.

ELECTION—104. Where mineral land is discovered in a part of the Province so situate that the provisions of this Act as to free miner's certificates and records of mining property cannot be justly applied or enforced by reason of there being no Gold Commissioner or Mining Recorder in the locality, it shall be lawful for the miners of such locality to hold meetings at such times and places as may be agreed upon, and at such meetings, by a two-thirds vote, to appoint one of their number to issue free miners' certificates and to enter records of mining property; and such certificates and records shall be valid, notwithstanding any informality therein: Provided that all records so made, and all fees for the same in accordance with the Schedule to this Act, and a list of all free miner's certificates issued, and the date and term thereof, and the fees for the same, be forwarded to the nearest Gold Commissioner or Mining Recorder as soon thereafter as practicable.

CERTIFICATES—105. Every Mining Recorder shall issue free miners' certificates and "substituted certificates" to all persons and companies entitled thereto.

FORMS, COUNTERFOILS, ETC.—106. Such free miners' certificates shall be taken from a printed book of forms, with duplicate counterfoils, one of which counterfoils shall be filed in the office of the Mining Recorder.

BOOKS KEPT BY RECORDER—107. Every Mining Recorder shall keep the following books:

- (a.) A book to be known as the "Record Book."
- (b.) A book to be known as the "Record of Abandonments."
- (c.) A book to be known as the "Record of Affidavits:"
- (d.) A book to be known as the "Record of Conveyances:"
- (e.) A book to be known as the "Record of Free Miners' Certificates."



**CERTIFICATE—108.** Upon receipt of an affidavit setting forth a detailed statement of work, as required by section 24, the Mining Recorder shall issue a certificate of work in the Form E in the Schedule to this Act.

**FILING AND RECORD—109.** Upon issuing such certificate of work, the Mining Recorder shall file such affidavit in the Record of Affidavits, and also record such certificate of work in the Record Book.

**RECORD OF SAME—110.** Upon receiving a certificate of improvements, the Mining Recorder shall record the same verbatim in the Record Book.

**RECORDER MUST RECORD—111.** The Mining Recorder shall record all extensions of time, licenses, permits, grants of water rights, and other privileges granted by the Gold Commissioner or Mining Recorder, and all forfeitures declared by the Gold Commissioner, and a memorandum of every judgment affecting a mineral claim or other mining property, in the Record Book.

**WHAT TO BE ENTERED IN BOOK—112.** Upon any Mining Recorder issuing a free miner's certificate, or upon any free miner applying to record any mineral claim, bill of sale, or other instrument, the Mining Recorder shall enter in the free miner's certificate book the particulars of such free miner's certificate, giving number of certificate, date, place of issue, and to whom issued.

**ABANDONMENTS—113.** Upon the receipt of a notice of abandonment, the Mining Recorder shall record the same in the Record of Abandonments, and file such notice, and write across the record of the claim affected by such notice, in the Record Book, the word "Abandoned," and the date of the receipt by him of the notice. If only an interest in a mineral claim is abandoned, and not the entire claim, the memorandum in the record shall show which interest is abandoned.

**AFFIDAVITS—114.** The Mining Recorder shall record, by copying out verbatim all affidavits and declaratory statements required to be recorded in connection with his office, in the Record of Affidavits.

**CONVEYANCES—115.** The Mining Recorder shall record, by copying out verbatim, in the Record of Conveyances, all conveyances, mortgages, bills of sale, contracts for

sale, and other documents of title, including powers of attorney, or other authorities, to execute all or any of the above description of documents when brought to him for that purpose.

DOCUMENTS—116. The Mining Recorder shall record in the Record Book all other documents relating to mining property which may be brought to him for record, and shall file all such documents which may be brought to him to be filed.

DATE—117. Every entry made in any of the above books shall show the date on which such entry was made.

BOOK, INSPECTION OF—118. All books of record and documents filed shall, during office hours, be open to public inspection free of charge.

COPY TO BE EVIDENCE—119. Every copy of, or extract from, any entry in any of the said books, or of any document filed in the Mining Recorder's office, certified to be a true copy or extract by the Mining Recorder, shall be received in any court as evidence of the matters therein contained.

APPLICATION FOR CROWN GRANT—120. Upon receipt from the holder of a certificate of improvements of an application for a Crown grant in the proper form, and all moneys payable in respect of the claim for which a Crown grant is applied, the Gold Commissioner shall send such moneys, together with the undermentioned papers, to the Chief Commissioner of Lands and Works.

(1.) The certificate of improvements:

(2.) Affidavit of the holder of the mineral claim, or his agent—Form G:

(3.) A copy of the plat of the mineral claim:

(4.) The copy of the surveyor's original field notes:

(5.) Mining Recorder's certificate—Form I.

MILL-SITES—121. Upon receipt from the lessee of a mill-site of all the moneys and documents mentioned in section 56, the Mining Recorder shall send the same to the Gold Commissioner.

RECORDER, FEES—122. Before issuing any free miner's certificate, or substituted certificate, or certificate of work, or making any entry in any book of record, or filing any document, or making any copy or extract there-

from, the Mining Recorder shall collect the fees payable in respect thereof.

## Mining Divisions.

MAY DISTRICT—123. It shall be lawful for the Lieutenant-Governor in Council to divide and subdivide any district into mining divisions, and to establish in each mining division a Mining Recorder's office.

ESTABLISHMENT OF RECORDER'S OFFICE—124. Upon the establishment of a mining division, and the opening of a Mining Recorder's office therein, under the authority of the last preceding section—

(a.) Such office, and none other, shall be the proper office for recording all claims, records, certificates, documents, or other instruments affecting claims, mines held as real estate, or mining property situate within such mining division; and whenever, by this Act, or any Act amending the same, anything is required to be done at or in the office of the Gold Commissioner or Mining Recorder of the district, it shall, if the same affects or concerns any claim, mine held as real estate, or mining property situate within a mining division, be done at or in the office of the Mining Recorder of the mining division wherein such claim or mine, or other mining property, is situate:

(b.) Upon the district or division of any Mining Recorder being divided or subdivided into mining divisions, it shall be the duty of such Mining Recorder to make, or cause to be made, a transcript of all the entries in all the books mentioned in section 107, affecting claims, mines held as real estate, or mining property situate in each newly created mining division, and to forward the same to the Mining Recorder of such mining division, and such transcript shall be kept in such office as part of the records of such office, and all transcripts of such records, certificates, documents or other instruments shall prima facie be deemed to be true copies of the several records, certificates, documents, or other instruments of which they purport to be transcripts; and such transcripts or copies thereof, when certified by the Mining Recorder of the mining division in whose office they are kept, shall be admissible in evidence in all courts of judicature in this Province.

**GOLD COMMISSIONER, AS MINING RECORDER—**  
125. When there shall be no Mining Recorder for a district or division, the duties of the Mining Recorder shall devolve upon the Gold Commissioner, and it shall at all times be lawful for the Gold Commissioner to perform the duties of the Mining Recorder, and the Gold Commissioner shall have all the powers of a Mining Recorder.

**OFFICE HOURS—**126. The Mining Recorder's office shall be open upon such days and hours as the Lieutenant-Governor in Council may from time to time appoint, and failing any particular appointment, shall be kept open upon all days, excepting public holidays, from 9 a. m. to 4 p. m., and such times shall be deemed the office hours of such office.

## PART V.

### Gold Commissioner's Ministerial Powers.— Tunnels and Drains.

**LICENSES FOR TUNNELS—**127. It shall be lawful for, but not incumbent upon, the Gold Commissioner to grant a license to any free miner, being the lawful holder of a mineral claim, or mine held as real estate, to run a drain or tunnel, for any purpose connected with the development or working of such claim or mine, through any occupied or unoccupied lands, whether mineral or otherwise, upon security being deposited or given to him, to his satisfaction, for any damage that may be done thereby, and upon such other terms as he shall think fit.

### Water.

**WATER RIGHT—**128. It shall be lawful for, but not incumbent upon, the Gold Commissioner to grant a water right to any free miner who is the lawful holder of a mineral claim, mine held as real estate, or mill-site, in any unappropriated water, for any mining or milling purpose, for any term not exceeding twenty years, and upon such terms and conditions as the Gold Commissioner shall think fit, upon being satisfied that all the conditions of section 61 have been complied with. And in all cases where he shall



think fit to extend the time for the recording of the grant of such water right.

**RENEWAL OF GRANT—129.** On the expiration of the grant to any such water right, it shall be lawful for, but not incumbent upon, the Gold Commissioner to renew such grant for a further period not exceeding ten years, on being satisfied that the necessity for the use of the water for the purpose for which it was originally granted continues to exist.

**FORFEITURE—130.** Upon proof that any grantee has not complied with all or any of the conditions upon which grants of water rights are held, the Gold Commissioner may declare the grant to be forfeited.

**RECORD—131.** When such grant shall have been declared forfeited, the Gold Commissioner shall cause such forfeiture to be recorded by the Mining Recorder in the Record Book.

**WATER—132.** The Gold Commissioner may permit the grantee of any water right to change the place of diversion, on being satisfied that others are not injured by such change.

**AUTHORITY TO MAKE BRIDGE OR DITCH—133.** The Gold Commissioner may, in all proper cases, grant an authority in writing to any person desiring to bridge any stream, claim or other place, for any purpose, or to mine under or through any ditch or flume, or to carry water through or over any land already occupied, and to any person heretofore or hereafter engaged in the construction of any road or work, to cross, divert, or otherwise interfere with any ditch, water privilege, or other mining rights whatsoever, for such period as the said Gold Commissioner shall think fit.

**OWNER OF DITCH—134.** The Gold Commissioner may order the owner of any ditch, flume, or pipe to make good, in such manner as such Gold Commissioner shall think fit, all damages which may be occasioned by or through any parts of the works of such ditch, flume, or pipe breaking or being imperfect.

## Working of Mines or Claims, and Other Powers.

**RE-LOCATION OF CLAIM—135.** The Gold Commissioner may, in his discretion, permit a free miner to re-locate a mineral claim, or any part thereof, which may have been abandoned or forfeited by such free miner: Provided that such re-locations shall not prejudice or interfere with the rights or interests of others.

**SPACE FOR DEPOSITS—136.** The Gold Commissioner may mark out a space of ground for deposits of leavings and deads from any tunnel, claim or mining ground, upon such terms as he may think just.

**PUBLIC SAFETY—137.** The Gold Commissioner shall have the power to summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public, any public work or highway, or any mining property, mineral claims, mining claims, bed-rock drains, or bed-rock flumes; and any abandoned works may by his order be either filled up or guarded to his satisfaction, at the cost of the parties who may have constructed the same, or, in their absence, upon such terms as he shall think fit.

**CROWN GRANTS—138.** Notwithstanding anything contained in the "Gold Mining Amendment Act, 1873," or in any Crown grant issued under the said Act, or under this or any other Act, it shall be lawful for the Gold Commissioner, in his discretion, and with or without any terms or conditions, to allow to the owners of mineral claims all such rights or privileges in and over mineral claims, or other claims held as real estate, as may be allowed in and over claims not so held; and owners of claims held as real estate shall be entitled to the same rights and privileges as owners of claims not so held.

**LEASE OF MILL-SITE—139.** Upon receiving an application for a mill-site from any free miner, and upon proof being furnished to his satisfaction of the non-mineral character of the land applied for, and the deposit in duplicate of a plat of said land, and upon proof by affidavit that the applicants has complied with the requirements of section 54 of this Act, the Gold Commissioner shall issue to the applicant a lease of such land for one year, in the form in the Schedule to this Act.

**CERTIFICATE OF WORK, MILL-SITE—140.** Upon being satisfied that the lessee of a mill-site has put or constructed thereon works or machinery for mining or milling purposes to an amount of not less than five hundred dollars, the Gold Commissioner shall issue his certificate to that effect.

**RECORDER—141.** Upon receipt from the Mining Recorder of the moneys and documents mentioned or referred to in section 121, the Gold Commissioner shall satisfy himself that the same are in order, and then forward the same to the Chief Commissioner of Lands and Works.

**GOLD COMMISSIONER, POWER—142.** The Gold Commissioner shall have power to do all things necessary or expedient for the carrying out of the provisions of this Act.

### Administration.

**ESTATE OF INTESTATE DECEASED MINER—143.** The Gold Commissioner, or any person authorized by him, shall take charge of all the property, within the district of such commissioner, of any deceased free miner until the issue of letters of administration or probate of the will, if any, and may cause any mineral claims held or owned to be duly represented or dispense therewith at his option: Provided, however, that where any free miner shall die intestate, and the value of the personal estate of such deceased free miner is less than three hundred dollars, it shall not be necessary for the Gold Commissioner to obtain from any court letters of administration, but in such case the Gold Commissioner may administer and wind up the personal estate of the deceased, and do all things necessary and proper therefor, and act in all respects as if letters of administration to the personal estate of such deceased free miner had been granted to such Gold Commissioner, and the Gold Commissioner shall produce and pass his accounts, in each estate of which he shall undertake the administration, before a judge of the County Court of the district.

## PART VI.—County Courts.

**JURISDICTION, PROCEDURE, FORMS, AND COSTS—144.** In addition to the jurisdiction and powers given to County Courts by the "County Courts Jurisdiction Act," and

other Acts, every County Court shall have and exercise, within the limits of its district, all the jurisdiction and powers of a Court of Law and Equity—

(1.) In all personal actions, where the debt or damages claimed arise directly out of the business of mining (other than coal mining), or from the exercise or interference with any right, power, or privilege given, or claimed to be given, by this Act or any other Act relating to mining (other than coal mining):

(2.) In all actions between employers and employees, where the employment is directly connected with the business of mining (other than coal mining):

(3.) In all actions for supplies to persons engaged in mining, where such supplies were bought, contracted for, or supplied, or were alleged to have been bought, contracted for, or supplied for mining purposes, or for consumption by persons engaged in mining or prospecting:

(4.) In all actions of trespass on or in respect of mineral claims, or other mining property, or upon or in respect of lands entered or trespassed on, or claimed to have been entered or trespassed on, in searching for, mining, or working minerals, (other than coal), or for any other purpose directly connected with the business of mining (other than coal mining), or in the exercise of any power or privilege given, or claimed to be, by this Act, or any other Act relating to mining (other than coal mining):

(5.) In all actions of ejectment from mineral claims or other mining property, or from lands entered, or claimed to have been entered, in searching for, mining, or working minerals (other than coal), or for any purpose directly connected with the business of mining, or entered, or claimed to have been entered, under some power, right or authority given or obtained under the provisions of this Act, or any other Act relating to mining (other than coal mining):

(6.) In all suits for foreclosure or redemption, or for enforcing any charge or lien, where the mortgage, charge or lien shall be on mineral claims, mines, or other mining property:

(7.) In all suits for specific performance of or for reforming, or delivering up, or cancelling any agreement for sale, purchase, or lease of any mineral claim, mine, or other mining property:

(8.) In all suits for the dissolution or winding up of



any mining partnership, whether registered or not, under the provisions of this Act:

(9.) In all suits relative to water rights claimed under this Act, or any other Act relating to mining (other than coal mining):

(10.) In all proceedings for orders in the nature of injunctions, where the same are requisite for the granting of relief in any matter in which jurisdiction is given to the County Court by this Act:

(11.) Provided, always, that at any time during the progress of any action, suit or matter relating to or concerning any of the classes of objects in this section before referred to and enumerated, any of the parties to such action, suit or matter may apply by summons to any judge of the Supreme Court at Chambers for an order directing the transfer of such action, suit or matter into the Supreme Court, and upon such summons any judge of the Supreme Court may, if satisfied that it is expedient such action, suit or matter should be so transferred, make an order directing the transfer of such action, suit or matter into the Supreme Court, and may in and by such order give all necessary directions for effectually procuring and completing such transfer, and may make such order as to costs, as well of the proceedings theretofore had and taken in the County Court as of such summons, as he may think fit, and from and after the making of any such order for transfer into the Supreme Court all proceedings in respect of such action, suit or matter, shall be had and determined in the Supreme Court, and the jurisdiction of the County Court in respect thereof shall absolutely cease and determine. The Supreme Court, or a judge thereof, shall have discretion to order that any case so transferred shall be heard, tried or disposed of without pleadings.

COUNTY COURT JURISDICTION—145. The jurisdiction given to County Courts by this Act shall be known as the "mining jurisdiction" of the County Court, and the words "mining jurisdiction" shall be written or printed on all summonses, writs and other process, and all other documents in every action or cause brought under the mining jurisdiction of the County Court.

COUNTY COURTS AND OFFICERS—146. County Courts and County Court Judges, Registrars, Sheriffs, and other officers, shall have the same duties, powers, privileges,

and authorities in all actions and suits, and other proceedings brought under the mining jurisdiction of the County Court, as they now have, or at any time hereafter may have, in actions and suits and other proceedings brought under the ordinary jurisdiction of the County Court, and the provisions of all Acts for the time being in force regulating the duties and powers of County Courts, and County Court Judges, Registrars, Sheriffs, and other officers, and regulating the practice and procedure in County Courts, and all Rules and Orders for the time being applicable to the ordinary jurisdiction of the County Court, shall, so far as practicable and not inconsistent with this Act, apply to the mining jurisdiction of the County Court.

**ADJOINING DISTRICTS—147.** Where disputes arise concerning mining property, portions whereof are situated in adjoining or different districts, the County Court of either of such districts before which the dispute is first brought shall determine it.

**SUMMONS, RETURN OF—148.** The hearing of any summons, plaint or other process in any County Court shall not be deferred beyond the shortest reasonable time necessary in the interests of all parties concerned, and it shall be lawful for the Registrar to make summonses or other proceedings returnable forthwith, or at any other time.

**WHERE COURT MAY DECIDE—149.** In all mining actions or suits the Court may decide the question at issue upon the ground in dispute, and such decision shall be entered as in ordinary cases, and have the same virtue and effect as if rendered in court.

**JURY—150.** In any mining cause or suit, either party may require that the issues of fact shall be tried by a jury, and the Judge may, before delivering judgment in any action, suit, or other proceeding, direct all or any issues of fact to be found by a jury.

**COSTS—151.** In all actions, suits, and other proceedings within the mining jurisdiction of the County Court, the Judge may order that costs be taxed on the higher or lower scale allowed by the County Court Rules; or if he shall consider the case of sufficient importance, he may order that costs be taxed as in the Supreme Court, and the costs so ordered shall be the costs recoverable in such action, suit, or other proceeding.

COUNTY COURT, JURISDICTION OF—152. Every County Court having jurisdiction in mining disputes shall, with reference to real estate held under the "Gold Mining Amendment Act, 1873," or under this Act, and notwithstanding any law to the contrary, have the same powers and authorities to decide all matters or disputes arising between the owners thereof, or between the owners thereof or any third person, or between mining joint stock companies, or between shareholders therein, or between them and the company, in the same way and as fully as it might do concerning claims not being real estate, and actions, suits and other proceedings relating to such matters or disputes shall be brought and had in the same manner as actions, suits, or proceedings relating to mining claims not being real estate.

MAY ISSUE, WRITS—153. Any County Court Judge having jurisdiction in mining causes, may direct the issuing of writs of *habeas corpus ad respondendum*, *ne exeat regno*, and *habeas corpus ad satisfaciendum* in all cases in which by law he has jurisdiction over the subject-matter of the suit, but under and subject to such conditions as a Judge of the Supreme Court might usually require in applications of a similar nature.

## PART VII.—Penal and Miscellaneous.

154. Any person wilfully acting in contravention of this Act, or refusing to obey any lawful order of the Gold Commissioner or of any Judge presiding in a Court, shall, on conviction thereof in a summary way before any two Justices of the Peace or a Stipendiary Magistrate, or before any Judge of a Court having jurisdiction in mining disputes, be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment, with or without hard labor, for any term not exceeding three months.

155. All fines and penalties imposed or payable under this Act may be recovered by distress and sale of any mining or other personal property of the offender; and in default of sufficient distress by imprisonment, with or without hard labor, not exceeding three months.

156. All fines, fees and penalties collected under this Act shall be paid into the Consolidated Revenue Fund of British Columbia.

157. Nothing herein contained shall, save where such intention is expressly stated, be so construed as to affect prejudicially any mining rights and interests acquired prior to the passing of this Act; and all mining rights and privileges heretofore and hereunder acquired shall, without the same being expressly stated, be deemed to be taken and held subject to the rights of Her Majesty, Her heirs and successors, and to the public rights of way and water.

158. Every free miner, on application to the Mining Recorder of the district, shall be entitled to a printed copy of this Act on payment of the sum of twenty-five cents.

BEFORE WHOM AFFIDAVITS MADE—159. Affidavits and declarations made under the provisions of this Act shall be made before some Judge or Registrar of a Court of Record, or before some Gold Commissioner, Mining Recorder, Stipendiary Magistrate, Justice of the Peace, Notary Public, or Commissioner for taking affidavits.

RIGHT TO EXAMINE CLAIM—160. The Minister of Mines and the Provincial Inspector of Mineralogist shall have the right to enter into or upon and examine any mineral claim or mine within the meaning of this Act.

## Rules and Regulations.

LIEUT.-GOVERNOR MAKE RULES—161. The Lieutenant-Governor in Council may make such orders as are deemed necessary from time to time to carry out the provisions of this Act according to their true intent, or to meet the cases which may arise and for which no provision is made in this Act, or when the provision which is made is ambiguous or doubtful; and may also make regulations for relieving against forfeitures arising under section 9 of this Act; and may further make and declare any regulations which are considered necessary to give the provisions in this clause contained full effect; and from time to time alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead, and further impose penalties not exceeding two hundred dollars, or not exceeding three months' imprisonment, for violation of any regulations under this Act; and further provide that any statement or returns required to be made by said regulations shall be verified on oath. Every order or regula-



tion made by virtue of the provisions of this section shall have force and effect only after the same has been published for two successive weeks in the British Columbia Gazette; and such orders or regulations shall be laid before the Legislative Assembly within the first fifteen days of the Session next after the date thereof.

## Taxation of Mines and Moneys Invested Therein.

162. Notwithstanding anything contained in this Act, mines and moneys invested therein shall not be exempt from taxation, but shall bear such rate as may be imposed by any law in the Province.

ANNUAL TAX—163. There shall be levied and collected from the owner or occupier of every mineral or placer claim of which a Crown grant has issued, including Crown grants issued under authority of an Act made and passed in the 36th year of Her Majesty's reign, entitled "An Act to amend the 'Gold Mining Ordinance, 1867,' and the 'Gold Mining Amendment Act, 1872,'" an annual tax of twenty-five cents for every acre and fractional part of an acre of land conveyed by the grant, payable on the thirtieth day of June in each year. Such tax shall form a charge upon the claim. The Assessor appointed under or by virtue of any existing Assessment Act, or any Collector appointed under the "Provincial Revenue Tax Act," is hereby authorized, as to the mineral or placer claims situate within the district for which he is appointed, to collect and receive the tax. In the event of the tax not being paid to the Assessor or Collector, the Gold Commissioner may in his discretion cause the claim upon which the tax is charged to be offered for sale by public auction, of which sixty days' notice shall be posted upon the principal Court House of the district in which the claim is situate, and in one newspaper, if any, published in such district, and may sell such claim, receive the purchase money, and execute a conveyance thereof to the purchaser. The purchase money shall be applied in payment of the expenses of advertising and the payment of the tax, and any surplus shall be paid into the Treasury in trust for the owner of the claim. In the event of there being no purchaser, or if the price offered shall not be sufficient to pay the tax and expenses of advertising the land shall absolutely revert to the Province, and the Crown grant thereof shall be deemed void.

The Assessor or Collector may, before offering the claim for sale, sue the owner or occupier for the tax, in a summary manner, before any Justice of the Peace, who may adjudge the same to be paid; and in default of payment the amount due, together with costs, may be recovered by distress of the goods and chattels of the person against whom the tax may be recovered: Provided, that if the owner of any such mineral or placer claim shall establish, to the satisfaction of the Gold Commissioner, Mining Recorder, or Assessor and Collector of the district in which the claim lies, that the sum of two hundred dollars has been expended thereon in labor or improvements in any one year, then the tax shall not be levied in respect of such claim for such year.

CHANGE OF NAME—164. Where a claim has been recorded under any name, and the owner or his agent is desirous of changing the same, the Recorder of said mining division may, upon application being made by such owner or agent, and upon payment of a fee of twenty-five dollars, amend the record accordingly: Provided, however, that such change of name shall not in any way affect or prejudice any proceedings or execution against the owner of the said claim.

LOCATION DESTROYED—165. Whenever through the acts or defaults of any person other than the recorded owner of a mineral claim or his agent by him duly authorized, the evidence of the location or record on the ground, or the situation of a mineral claim, has been destroyed, lost, or effaced, or is difficult of ascertainment, nevertheless, effect shall be given to same as far as possible, and the Court shall have power to make all necessary inquiries, directions and references in the premises, for the purpose of carrying out the object hereof, and vesting title in the first bona fide acquirer of the claim.

## PART VIII.—Repealing Clause.

166. The Acts and parts of Acts mentioned in this section shall stand repealed and be repealed; but such repeal shall not be deemed to imply that any of the said Acts or parts of Acts which have been repealed at any time prior to the passing of this Act have been in force since such repeal: Provided further, that such repeal shall not affect any

rights acquired, or any liabilities or penalties incurred, or any act or thing done, under any of the said Acts or parts of Acts:

The "Mineral Act, 1891," the "Mineral Act (1891) Amendment Act, 1892," the "Mineral Act (1891) Amendment Act, 1893," the "Mineral Act Amendment Act, 1894," and the "Mineral Act Amendment Act, 1895," are hereby repealed.

167. Nothing herein contained or enacted shall affect any litigation pending at the time of the passage of this Act.

168. The jurisdiction conferred upon a Gold Commissioner by section 6 of the "Mineral Act" shall not be exercised until after the end of the next Session of the Legislative Assembly.

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## PLACER MINING ACT, 1891.

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### AN ACT RELATING TO PLACER MINES (AS AMENDED IN 1894, 1895 AND 1896).

[For originals see 1891, c. 26; 1894, c. 33; 1895, c. 40; 1896, c. 35.]

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Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

SHORT TITLE—1. This Act may be cited as the "Placer Mining Act, 1891."

INTERPRETATION—2. (1896, c. 35, s. 2.) In the construction of this Act the following expressions shall have the following meanings respectively, unless inconsistent with the context.

"Mine," "placer mine" and "diggings" shall be synonymous terms, and shall mean any natural stratum or bed of earth, gravel or cement mined for gold or other precious minerals or stones:

"Placer claim" shall mean the personal right of property or interest in any placer mine; and in the term "mining property" shall be included every placer claim, ditch, or

water right used for placer mining purposes, and all other things belonging thereto or used in the working thereof. Placer claims shall be divided into creek diggings, bar diggings, dry diggings, bench diggings, and hill diggings.

"Creek diggings" shall mean any mine in the bed of any river, stream, or ravine, excepting bar diggings.

"Bar diggings" shall mean any mine over which a river extends when in its flood state.

"Dry diggings" shall mean any mine over which a river never extends.

"Bench diggings" shall mean any mine on a bench, and shall, for the purpose of defining the size of a claim in bench diggings, be excepted from "dry diggings."

"Hill diggings" shall mean any mine on the surface of a hill, and fronting on any natural stream or ravine.

"Precious stone diggings" shall mean deposit of precious stones, whether in veins, beds, or gravel deposits.

"Streams and ravines" shall include all natural water-courses whether usually containing water or not, and all rivers, creeks and gulches.

"Ditch" shall include a flume, pipe, race, or other artificial means for conducting water by its own weight, to be used for mining purposes.

"Ditch head" shall mean the point in a natural water-course or lake where water is first taken into a ditch.

"Free Miner" shall mean a person, or joint stock company, or foreign company named in, and lawfully possessed of, a valid existing free miner's certificate, and no other.

"Legal post" shall mean a stake standing not less than four feet above the ground, and squared or faced on four sides for at least one foot from the top, and each side so squared or faced shall measure at least four inches on its face so far as squared or faced, or any stump or tree cut off and squared or faced to the above height and size.

"Record," "register," and "registration" shall have the same meaning, and shall mean an entry in some official book kept for that purpose.

"Record," when used without qualifying words showing that a different matter is referred to, shall be taken to refer to the record of the location of a placer claim.

"Full interest" shall mean any placer claim of the full size, or one of several shares into which a mine may be equally divided.



"Close season" shall mean the period of the year during which placer claims in any district are laid over by the Gold Commissioner of that district.

"Cause" shall include any suit or action.

"Judgment" shall include "order" or "decree."

"Real estate" shall mean any placer mineral land held in fee simple.

"Joint Stock Company" shall mean any company duly incorporated for mining purposes under the "Companies Act," "Companies Act, 1890," and any company duly incorporated in British Columbia for mining purposes under the "Companies Act, 1862" (Imperial), and shall include all companies falling under the definition of a foreign company in the "Companies Act."

## PART I.—Free Miners and Their Privileges.

(Sections 3, 4, 5, 6 and 7 are the same as sections 3, 4, 5, 6 and 7, Part I.)

**MINING WITHOUT CERTIFICATE**—8. Every person and joint stock company engaged in placer mining shall take out a free miner's certificate, and any person or joint stock company who mines or works as a miner in any placer claim, or on any bed-rock flume, drain, or ditch, without having taken out and obtained such certificate, shall, on conviction thereof in a summary way, forfeit and pay a penalty not exceeding twenty-five dollars, besides costs: Provided, always, that nothing herein contained shall prejudice the right to collect wages or payment for work done by any person or company, who, through not being a free miner, has rendered himself or itself liable to the above penalty.

**UNCERTIFICATED PERSON NOT ENTITLED TO INTEREST, ETC.**—9. (1895 c. 40, s. 2.) No person or joint stock company shall be recognized as having any right or interest in or to any placer claim, mining lease, bed-rock flume grant, or any minerals in any ground comprised therein, or in or to any water right, mining ditch, drain, tunnel, or flume, unless he or it shall have a free miner's certificate unexpired. And on the expiration of a free miner's certificate the owner thereof shall absolutely forfeit all his rights and interest in or to any placer claim, mining lease, bed-rock flume grant, and any minerals in any ground com-

prised therein, and in or to any and every water right, mining ditch, drain, tunnel, or flume, which may be held or claimed by such owner of such expired free miner's certificate, unless such owner shall, on or before the day following the expiration of such certificate, obtain a new free miner's certificate: Provided, nevertheless, should any co-owner fail to keep up his free miner's certificate, such failure shall not cause a forfeiture or act as an abandonment of the claim; but the interest of the co-owner who shall fail to keep up his free miner's certificate shall ipso facto, be and become invested in his co-owners pro rata, according to their former interests: Provided, nevertheless, that a shareholder in a joint stock company need not be a free miner, and, though not a free miner, shall be entitled to buy, sell, hold, or dispose of any shares therein: And provided, also, that this section shall not apply to placer mines for which a Crown grant has been issued.

(Sections 9a and 9b are same as sections 10 and 11, Part I, except read "placer" instead of "mineral.")

**RIGHT OF CERTIFICATE-HOLDER—10.** Every free miner shall, during the continuance of his certificate but no longer, have the right to enter, locate, prospect, and mine for gold and other precious metals upon any lands in the Province of British Columbia, whether vested in the Crown or otherwise, except upon Government reservations for townsites, land occupied by any building, and any land falling within the curtilage of any dwelling house, and any orchard, and any land lawfully occupied for placer mining purposes, and also Indian reservations.

**FREE MINER TO GIVE SECURITY—11.** Previous to any entry being made upon lands already lawfully occupied, such free miner shall give adequate security, to the satisfaction of the Gold Commissioner, for any loss or damage which may be caused by such entry; and after such entry he shall make full compensation to the occupant or owner of such lands for any loss or damage which may be caused by reason of such entry; such compensation, in case of dispute, to be determined by a Court having jurisdiction in mining disputes, with or without a jury.

12. (Repealed by 1896, c, 35, s. 3.)

**GAME—13.** Any free miner shall be at liberty, at any

period of the year, while actually prospecting or engaged in mining, to kill game for his own use.

“MINERAL ACT, 1891.”—14. A free miner shall have all the rights and privileges granted to free miners by the “Mineral Act, 1891.”

## PART II.—Size and Nature of Placer Claims.

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### Locating, Recording, Re-Recording, Working and Lay-Overs.

WHAT FREE MINER MAY RECORD AND PURCHASE—15. Every free miner shall be entitled to locate and record a placer claim on each separate creek, ravine, or hill, but not more than two claims in the same locality, only one of which shall be a creek claim. He shall be allowed to hold any number of placer claims by purchase, and every free miner may sell, mortgage, or dispose of his claim or any interest therein.

SIZE OF PLACER CLAIMS—16. The size of placer claims shall be as follows:

A “creek claim” shall be 100 feet long, measured in the direction of the general course of the stream, and shall extend in width from base to base of the hill or bench on each side, but when the hills or benches are less than 100 feet apart the claim shall be 100 feet square.

In “bar diggings” a claim shall be a strip of land 100 feet long at high water mark, and in width extending from high water mark into the river to its lowest water level.

In “dry diggings” a claim shall be 100 feet square.

In “bench diggings” a claim shall be 100 feet square: Provided that the Gold Commissioner shall have authority, where a bench is narrow, to extend the limits of the claim beyond the limits of the bench, but not to exceed 100 feet square.

In “hill diggings” a claim shall have a base line or frontage of 100 feet, drawn parallel to the main direction of the stream or ravine on which it fronts. Parallel lines drawn from each end of the base line, at right angles thereto, and running to the summit of the hill shall constitute the side lines thereof. Legal posts shall be placed, 100 feet apart, on both the base line and side lines, and no claim shall extend beyond the posts so placed.



**SIZE OF, ON DISCOVERY OF NEW MINE—17.** If any free miner, or party of free miners, discover a new mine, and such discovery be established to the satisfaction of the Gold Commissioner, placer claims of the following sizes, in dry, bar, bench, creek, or hill diggings shall be allowed, viz:

To one discoverer, one claim.....	300 feet in length.	
To a party of two discoverers, two claims, amounting together to .....	600	"
To a party of three discoverers, three claims, amounting together to.....	800	"
To a party of four discoverers, four claims, amounting together to.....	1,000	"

And to each member of a party beyond four in number, a claim of the ordinary size only.

A creek discovery claim shall extend on each side of the center of the creek as far as the summit of the hill, but not exceeding 1,000 feet.

**NEW STRATUM WHERE ABANDONED—18.** A new stratum of auriferous earth, gravel, or cement, situated in a locality where all placer claims are abandoned, shall be deemed a new mine, although mines in the same locality shall have been previously worked; and dry diggings discovered in the vicinity of bar diggings shall be deemed a new mine, and vice versa. A discoverer's claim shall be considered as one ordinary claim, in respect to recording, working, and representing.

**MEASUREMENT—19.** In defining the size of placer claims they shall be measured horizontally, irrespective of inequalities on the surface of the ground.

**SHAPE, AND HOW MARKED—20.** Every placer claim shall be as nearly as possible rectangular in form, and marked by four legal posts at the corners thereof, firmly fixed in the ground. One of such posts shall be marked as the "initial post," and on that post shall be placed a legible notice in writing, stating the name of the claim, its length in feet and general direction, with the date of the notice and name of each locator. If any side line of any claim shall exceed 100 feet in length, legal posts shall be placed along such side line, at distances not exceeding 100 feet.

**LOCATION ON SUNDAY—21.** Any location made upon Sunday or any public holiday shall not for that reason be invalid, any law or statute to the contrary notwithstanding.



**DISPUTES AS TO TITLE—22.** In case of any dispute as to the title to a placer claim, the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the record itself, and subject further to the free miner having complied with all the terms and conditions of this Act.

**RECORD—23.** Every free miner locating a placer claim shall record the same with the Mining Recorder of the district or division within which the same is situate, within three days after the location thereof, if located within ten miles of the office of the said Mining Recorder. One additional day shall be allowed for making such record for every additional ten miles or fraction thereof. Such record shall be made in a book to be kept for the purpose in the office of the said Mining Recorder, to be known as the "Record Book," in which shall be inserted the name of the claim, the name of each locator, the number of each locator's free miner's certificate, the locality of the claim, its length in feet, the period for which such record is granted, the date of location, and date of the record: Provided that a free miner shall not be entitled to a record of a claim until he shall have furnished the Mining Recorder with a written statement of the above particulars.

**REMOVAL OF POSTS—24.** After the recording of a placer claim, the removal of any post by the holder thereof, or by any person acting in his behalf, made for the purpose of changing the limits of his claim, shall act as a forfeiture of the claim.

**PLACE OF RECORD—25.** Upon the establishment of a mining division and the opening of a Mining Recorder's office therein, under the authority of this Act, such office and none other shall be the proper office for recording all placer claims within such mining division, and making all records in respect thereof.

**WRONG DISTRICT—26.** (1896, c. 35, s. 4.) If through ignorance any free miner shall record a placer claim in a different mining division to that in which such claim is situate, such error shall not affect his title to such claim, but he shall, within fifteen days from the discovery of his error, record such claim in the mining division in which it is situate, and such new record shall bear the date of the first

record, and a note shall be made thereon of the error and of the date of the rectification of the same.

**DURATION—27.** A free miner having duly located a placer claim, shall be entitled to record the same for one or more years, upon payment of the fees set out in the Schedule to this Act.

**RE-RECORD—28.** A free miner shall, at any time during the existence of his record or re-record, be entitled to extend the term of his interest in his placer claim for one or more years, upon payment of the fees set out in the Schedule to this Act, by re-recording such claim. Such re-record shall be made in the Record Book, and shall set out—

- (1.) The name of the claim:
- (2.) The name of each holder of an interest in such claim:
- (3.) The number of each such holder's free miner's certificate:
- (4.) The locality of the claim:
- (5.) The period for which such re-record is granted:
- (6.) The date of the re-record.

**APPLICATION TO RECORD IN RECORDER'S ABSENCE—29.** If a free miner shall apply for a record, and shall make such application at the Mining Recorder's office during office hours, but during his absence, and shall leave the fee required by this Act, and the particulars and information required by section 23, with the officer or other person in charge of the said office, he shall be entitled to have a record dated on the date of such application.

**APPLICATION TO RE-RECORD—30.** If a free miner shall apply for a re-record, and shall make such application at the Mining Recorder's office during office hours, but during his absence, and shall leave the fee required by this Act, and the particulars and information required by section 28 with the officer or other person in charge of the said office, he shall be entitled to have a re-record dated on the date of such application, but commencing to run from the expiration of his existing record or re-record.

**CONDITION ON WHICH MINER MAY HOLD—31.** A free miner, having duly located and recorded a placer claim, shall be entitled to hold the same during the existence of his record or re-record of such claim upon complying with all the terms and conditions of this Act.

**RIGHT OF MINER—32.** Every free miner shall have the exclusive right of entry upon his placer claim, for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom: Provided that the Gold Commissioner may, upon application made to him, allow other free miners such rights of entry thereon as may be necessary for the working of their claims, upon such terms as may to him seem reasonable.

**IRREGULARITY PRIOR TO RECORD—33.** Upon any dispute as to the title to a placer claim, no irregularity made prior to the date of the then current record or re-record of such claim shall affect the title thereto, and it shall be assumed that up to the date of such record or re-record the title to such claim was perfect: Provided, always, that it shall at all times be open to prove that the ground was improperly or insufficiently staked, or that the stakes have been illegally moved.

**WORKS IN CONNECTION WITH CLAIM—34.** Tunnels, shafts and ditches shall be considered as belonging to the placer claim for the use of which they are constructed, and as abandoned or forfeited by the abandonment or forfeiture of the claim itself.

**RIGHTS OF OTHERS—35.** In tunneling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, nor from either end of such hills, so as to interfere with parties tunneling from the main frontage.

**INTEREST IN CLAIM—36.** The interest of a free miner in his placer claim shall, save as to placer mines held as real estate, be deemed to be a chattel interest, equivalent to a lease, for such period as the same may have been recorded, renewable at the end thereof by re-recording, and subject to the conditions as to forfeiture, working, representation, re-recording and otherwise, for the time being in force with respect to placer claims.

**NO RIGHT TO VEIN OR LODGE—37.** The holder of a placer claim shall have no right to any vein or lode, as defined by the "Mineral Act, 1891," within the limits of such placer claim, unless he shall have located and recorded the

ground as a mineral claim; and until he shall so locate and record such ground, the same shall be open to any free miner to locate and record as a mineral claim.

**DUTIES OF PLACER CLAIM HOLDERS—38.** Every placer claim as defined by this Act shall be represented and bona fide worked by the holder thereof, or by some person on his behalf, continuously, as nearly as practicable, during working hours, and shall be deemed to be abandoned and absolutely forfeited when the same shall have remained unworked on working days by the holder thereof, or some person on his behalf, for the period of seventy-two hours, except during the close season, some lay-over, or leave of absence, or during sickness, or for some other reasonable cause which shall be shown to the satisfaction of the Gold Commissioner.

**LEAVE OF ABSENCE—39.** Every free miner, or company of free miners, shall be entitled to a leave of absence for one year from his or their placer claim or set of claims.

(a.) Upon proving to the Gold Commissioner that he or they has or have expended on such claims, or on any portion of the set of claims, in cash, labor, or machinery, an amount equal to one thousand dollars on each full interest, without any return of gold or other minerals in reasonable quantities from such expenditure: and

(b.) Upon the application of such leave being signed by all the holders of the claim or set of claims.

Such leave of absence shall not be deemed to relieve the holder of such claim or set of claims from carrying out the provisions of this Act respecting free miner's certificates, records and re-records of such claims; nor shall this section affect the discretionary power of the Gold Commissioner with respect to granting a leave of absence under other conditions.

**NOT TO APPLY TO LEASES—39 A. (1895, c. 40, s. 3.)** The provisions of sections 39 and 42 of the said Act shall not apply to land or mining property held under mining leases, pursuant to Part VII. of the "Placer Mining Act, 1891," but such leases shall in all matters be governed by the terms thereof.

**FORFEITURES—40.** Every forfeiture of a placer claim shall be absolute, any rule of law or equity to the contrary notwithstanding.



**NOT ENTITLED TO LAY OVER—41.** No placer claim located and recorded in any district within fourteen days before, or at any time during the close season, shall be deemed to be laid over, unless so much work shall have been bona fide done thereon by the holder thereof as shall, in the opinion of the Gold Commissioner, fairly entitle him to have such claim laid over.

**LAY OVER, INSUFFICIENCY OF WATER—42.** Where the supply of water is insufficient to work hydraulic or other placer claims requiring water to enable them to be worked, such claims shall be laid over by virtue of this section during such insufficiency, but no longer, except by leave of the Gold Commissioner; but a notice of such insufficiency of water must be posted on the office of the Mining Recorder within three days from the cessation of work.

**RECORD OF CHARGES—43.** Every bill of sale, conveyance or mortgage of a placer claim, or of any fraction thereof, shall be recorded within the time prescribed for recording placer claims.

**TRANSFERS IN WRITING—44.** No transfer of any placer claim, or of any interest therein, shall be enforceable unless the same or some memorandum thereof shall be in writing, signed by the transferrer, or by his agent authorized in writing, and recorded in the Record of Conveyances.

**“GOLD MINING AMENDMENT ACT, 1873”—45.** The transfer of any real estate acquired under the provisions of the “Gold Mining Amendment Act, 1873,” shall be in writing, signed by the transferrer, or by his agent authorized in writing, and attested by a subscribing witness.

### **PART III.—Tunnels and Drains.**

**LICENSE TO TUNNEL OR DRAIN THROUGH OTHER LAND—46.** Any free miner requiring to run or construct a tunnel or drain in connection with his claim through any occupied or unoccupied lands, whether mineral or not, shall obtain a license from the Gold Commissioner for that purpose, which license shall be granted or withheld in the absolute discretion of such Gold Commissioner; and shall also give such security to the Gold Commissioner for any damage that may be caused by such tunnel or drain as such Gold

Commissioner may require. Such license shall be subject to such terms and conditions as the Gold Commissioner shall think fit, and shall be recorded in the Record Book.

**BELONG TO CLAIM—47.** A tunnel or drain shall be considered as part of the placer claim, or mine held as real estate, for which the same was constructed.

**RIGHT OF WAY—48.** Any free miner may apply to the Gold Commissioner for a grant of right of way and entry through and upon any mining ground in his district, for the purpose of constructing a drain for public drainage of mines.

**FORM OF APPLICATION—49.** The application for every such grant shall be in writing, and shall set out the name of each applicant, the nature and extent of the proposed drain, the amount of toll to be charged, the term of years for which such grant is to be made, and all other privileges sought to be acquired. The application shall be left at the Mining Recorder's office addressed to the Gold Commissioner. A notice of such application, setting out the above particulars, shall be posted on the office of the Mining Recorder and on the ground for thirty clear days before such grant shall be made.

**DEPOSIT OF \$25—50.** The applicant for every such grant shall deposit with the Mining Recorder, at the time of the leaving of his application as aforesaid, twenty-five dollars, which shall be refunded in case the application shall be refused.

**RIGHT OF WAY, ETC.—51.** Such grants shall be in writing and signed by the Gold Commissioner, and shall not be given for a longer period than twenty years, and shall give such rights of way and entry and such powers to assess, levy, and collect tolls from all persons using such drain, or benefited thereby, as the Gold Commissioner shall think fit, but not in any case to exceed the term, rights, or powers set out in the application.

**COVENANTS OF GRANTEE—52.** The following covenants and conditions on the part of the grantee and his assigns shall be deemed to be part of every grant, whether expressed therein or not:

(a.) That he shall construct a drain or drains of sufficient size to meet all requirements within the time therein named:

(b.) That he shall keep the same in thorough working order and repair, and free from all obstructions, and in default thereof that the Gold Commissioner may order all necessary alterations or repairs to be made by any free miners, other than the grantee or his assigns, at the cost and expense of the latter; such cost and expense to be levied by sale (subject, however, to the conditions of the grant) of all or any part of the drainage works, materials, and tolls, or any of them:

(c.) That he shall, within a reasonable time, construct proper tap-drains from or into any adjacent claims, upon being requested in writing by the holders thereof so to do; and if such grantee shall fail to commence the construction of any such tap-drains for five days after receipt of such request, or after making such commencement shall for three days fail to proceed with such construction, he shall permit such holders to construct such tap-drains, in which case such holders shall only be chargeable with one-half the specified rates of toll, or such other proportion as the Gold Commissioner may direct:

(d.) That he will not, in the construction and maintenance of such drains and tap-drains, in any way injure the property of others, and that he shall make good any damage done by him.

RECORD GRANT—RENT—53. Every such grant shall be recorded in the Record Book, and the deposited sum of twenty-five dollars shall be retained as a recording fee. A rent of twenty-five dollars for each quarter of a mile and each fraction thereof shall be paid annually to the Mining Recorder by the grantee; such rent to commence from the date of the grant.

## PART IV.—Water Rights.

WATER RIGHTS—54. Every free miner shall be entitled to the use of so much of the water naturally flowing through or past his placer claim, and not already lawfully appropriated, as shall, in the opinion of the Gold Commissioner, be necessary for the due working thereof.

UNAPPROPRIATED WATER—55. (1894, c. 33, s. 2.) A free miner may, at the discretion of the Gold Commissioner, obtain a grant to a water right in any unappropri-

ated water, for any placer mining purpose, for any term not exceeding ten years, upon such terms and conditions as such Gold Commissioner shall think fit; but no free miner shall be charged any money rental for any such water used by him for mining purposes on his own mining claim.

[Section 56 is same as Sec. 60, Part II., except in place of "sixty" days read "twenty" days.]

RECORD—57. The grant of such water right shall be recorded in the office of the Mining Recorder in the Record of Water Grants, within the time limited for the recording of placer claims, and shall during each year of the continuance of the grant, and whilst it shall be in operation, be re-recorded as in the case of a placer claim.

GRANT NOT EFFECTUAL UNTIL RECORDED—58. No grant shall take effect until recorded.

NOT TO BE SOLD—59. No free miner shall be entitled to a grant of the water of any stream for the purpose of selling the water to claim holders on any part of such stream. The Gold Commissioner may, however, grant such privileges as he may deem just, when such water is intended to work bench or hill claims fronting on any such stream; provided, that the rights of free miners then using the water be protected.

DISTRIBUTION OF WATER—60. The owner of any water right may distribute the water to such free miners and on such terms as he may deem advisable, within the limits mentioned in his grant: Provided, always, that such owner shall be bound to supply water to all applicants, being free miners, in a fair proportion, and shall not demand more from one than another, except where the difficulty of supply is enhanced.

RIGHTS OF MINERS BELOW DITCH HEAD—61. If, after the grant has been made, any free miner or free miners locate and bona fide work any placer claim below the ditch head, on any stream so diverted, he or they shall collectively be entitled to forty inches of water if two hundred inches be diverted, and sixty inches if three hundred inches be diverted, and no more, except upon paying to the grantee compensation equal to the amount of damage sustained by the grantee on account of the diversion of such extra quantity of water; and, in computing such damage,



the expense of the construction of the ditch shall be considered.

**PRIORITY OF NOTICE—62.** On any dispute between applicants for a grant prior to such grant being made, priority of notice shall constitute priority of right, if any.

**DATE OF GRANT—63.** A grant duly recorded shall speak from the date of the grant, and not from the date of the record.

**RIGHTS OF PERSONS USING—64.** Every such grant shall be subject to the rights of such free miners as shall, at the date of such grant, be working on the stream above or below the ditch head, and of any other persons lawfully using such water for any purpose whatsoever.

**WATER RIGHT APPURTENANT TO CLAIM—65.** A grant of a water right made in respect of any placer claim, or placer mine held as real estate, shall be deemed appurtenant to such claim or mine, and whenever the claim or mine shall have been worked out, abandoned or forfeited, or whenever the occasion for the use of the water upon the claim or mine shall have permanently ceased, the grant shall be at an end and determined.

[Section 66 is same as Sec. 67, Part II., except read "thirty days" instead of "six months."]

**POINT OF DIVERSION, CHANGE—67.** The grantee of any water right may obtain permission from the Gold Commissioner to change the place of diversion, on giving such notices and complying with such terms as the Gold Commissioner may require.

[Sections 68, 69 and 70 are same as Secs. 69, 70 and 71, Part II.]

**NOTICE ON APPROACHING ANY DITCH—71.** Whenever it shall be intended, in forming or upholding any ditch, to enter upon and occupy any part of a placer claim, or placer mine held as real estate, or other land, or to dig or loosen any earth or rock within twenty feet of any ditch thereon, three days' notice in writing of such intention shall be given to the owner of such ditch, before entering or approaching within twenty feet thereof.

[Sections 72, 73, 74, 75, 76, 77 and 78 are same as Secs. 73, 74, 75, 76, 77, 78 and 79, Part II.]

## PART V.—Mining Partnerships.

HOW GOVERNED—79. All mining partnerships shall be governed by the provisions hereof, unless they shall have other and written articles of partnership.

TO BE ANNUAL—80. A mining partnership shall, unless otherwise agreed upon, be deemed to be a yearly partnership, renewable from year to year by tacit consent.

SCOPE OF—81. The business of such partnership shall be mining and such other matters as pertain solely thereto.

RIGHTS OF—82. Mining partnerships can locate and record in the partnership name a placer claim for each partner who is a free miner. Such partnership claims may be located and recorded as a set of claims, and each such claim shall be staked as an ordinary placer claim. One stake on each such claim shall be marked as an initial stake, by writing thereon the words "Initial post." It shall not be requisite to post more than one location notice on each set of claims, which notice shall be on the first initial post.

RECORD OF CLAIMS—83. A set of claims may be recorded in one record. The name of every partner, and the number of every partner's free miner's certificate, shall be on the record of every such set of claims. The partnership name shall appear on every such record, and all claims so taken up shall be the property of the partnership.

PARTNERS, TO VOTE—84. A partner in any mining partnership, or his agent authorized in writing, shall, at any meeting thereof, be entitled to vote upon any interest or fraction of an interest which he may hold therein; but the result of the votes given shall be determined by the number if the full interests voted upon, and not by the number of partners voting at such meeting.

MAJORITY MAKE ASSESSMENTS—85. A majority of such votes may decide when, how long, and in what manner to work the partnership claim, or set of claims, the number of men to be employed, which number shall not be less than one man to each claim, and the extent and manner of levying the assessments to defray the expenses incurred by the partnership. Such majority may also choose a foreman or manager, who shall represent the partnership, and sue and

be sued in the name of the partnership for assessments and otherwise; and he shall have power to bind them by his contracts. Every partner, or his duly authorized agent, shall be entitled to represent his interest in the partnership property by work and labor, so long as such work and labor be satisfactory to the foreman or manager. In the event of such partner or agent being discharged by the foreman or manager, the court having jurisdiction in mining disputes may, if requested, summon the foreman or manager before it, and upon hearing the facts make such order as it shall deem just.

**WHEN PAYABLE—86.** All assessments shall be payable within five days after being made.

**DEFAULT BY PARTNER—87.** Any partner making default in payment after receiving a notice certifying the amount due by him, shall, if such amount be correct, be personally liable therefor to the partnership, and his interest in the partnership property may be sold by the partnership for the payment of the debt, and any further assessment which may have accrued thereon up to the day of sale, together with all costs and charges occasioned by such default; and if the proceeds of the sale be insufficient to pay off the several sums mentioned, the court having jurisdiction in mining disputes, upon being applied to, shall issue an order directed to the Sheriff to seize and sell any other personal property of the debtor. Notices of sale shall, in either of the above cases, be conspicuously posted ten clear days prior to the day of sale, in the vicinity of such mining or other property, and on the Court House or Mining Recorder's office nearest thereto. But if such partner be absent from the district, such notice shall be posted as aforesaid thirty clear days before the day of sale, and a copy of such notices shall be published in some newspaper circulating in the district wherein such mining or other property is situate for the same period. Such sale shall be by public auction to the highest bidder. The purchaser shall be entitled to possession of the property sold, and to a bill of sale therefor signed by the auctioneer; such bill of sale shall confer such title upon the purchaser as the owner had.

[Sections 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98 and 99 are same as Secs. 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 and 101, Part III.]



## PART VI.—Bedrock Flumes.

**APPLICATION FOR RIGHT OF WAY FOR BEDROCK FLUME—100.** One or more free miners may apply to the Gold Commissioner for a grant of exclusive rights of way through and entry upon any mining ground in his district, for the purpose of constructing, laying and maintaining a bedrock flume.

**HOW MADE—101.** Every such application shall be in writing, and shall be left at the Mining Recorder's office, addressed to the Gold Commissioner, and shall state the name of the applicant and the nature and extent of the privileges sought to be acquired. Thirty days' notice of such application shall be given, by affixing the same to some conspicuous part of the ground through which the rights of way are asked, and a copy thereof upon the walls of the Court House or of the office of the Mining Recorder of the district. Prior to such application, such ground shall be marked out by legal posts, placed at intervals of one hundred and fifty feet along the proposed main line or course of the flume, with a notice of such application affixed to one of such posts. And it shall be competent for any free miner to protest before the Gold Commissioner within such thirty days against such application being granted, but not afterwards. Every application for a grant shall be accompanied by a deposit of one hundred and twenty-five dollars, to be left with the Mining Recorder, which shall be refunded if the application be refused, but not otherwise.

**TERM—102.** Every such grant shall be in writing, signed by the Gold Commissioner, and shall be for a term not exceeding five years.

**RIGHTS OF GRANTEE—103.** The grantee shall be entitled to the following rights and privileges, that is to say:

(a.) The right of way through and entry upon any new and unworked river, creek, gulch or ravine, and the exclusive right to locate and work a strip of ground one hundred feet wide and two hundred feet long in the bed thereof to each grantee named in such grant.

(b.) The right of way through and entry upon any river, creek, gulch, or ravine worked by miners for any period longer than two years prior to such entry, and already



wholly or partially abandoned, and the exclusive right to stake out and work both the unworked and abandoned portions thereof, one hundred feet in width, and one-quarter mile in length, for each grantee named in such grant:

(c.) Such right of way through and entry upon any river, creek, or ravine discovered within two years next preceding the date of his application before mentioned, and upon any portions of which any free miner is legally holding and bona fide working a claim, as to the Gold Commissioner may seem advisable:

(d.) The right of way through and entry upon all placer claims which are at the time of the notice of application before mentioned bona fide being worked by any free miner, for the purpose of cutting a channel and laying his flume therein, with such reasonable space for constructing, maintaining, and repairing the flume as may be necessary: Provided, that the owner of such last-mentioned placer claim shall be entitled to take and receive the gold or other minerals found in the cut so made:

(e.) The use of so much of the unappropriated water of the stream on which the flumes may be located, and of other adjacent streams, as may be necessary for the use of the grantee's flumes, hydraulic power, and machinery to carry on his mining operations, and the right of way for ditches and flumes to carry the necessary water to his works, subject to the payment of any damage which may be done to other parties by running such ditches or flumes through or over their ground:

(f.) The right to all the gold or other minerals in his flumes:

(g.) No person locating new and unworked or abandoned ground within the limits of such grant, after the notice above mentioned has been given, shall have any right or title as against such grantee to the ground so located.

CLAIM-HOLDER MAY CONNECT WITH—104. A holder of a placer claim through which the line of the grantee's flume is to run may put in a bed-rock flume in his claim to connect with the grantee's flume, upon giving the grantee ten days' notice in writing to that effect; but he shall maintain the like grade and build his flume as thoroughly and of as strong materials as are used by such grantee.

DUTIES OF CLAIM-HOLDER—105. A claim-holder constructing such flume through his claim shall keep his

flume free from obstruction, and he shall be entitled to all the gold or other minerals found therein, but he shall be subject to the same regulations with regard to cleaning up the flume, repairs and other matters in which both parties are interested, as may be adopted by such grantee; and such claim-holder shall have the right at any time before the abandonment of his claim to become a partner of the grantee, by uniting his claim and flume with the ground and flume of the grantee, and taking an interest proportionate to that which he shall cede to the grantee; or he may abandon his claim and flume, and such abandonment shall enure to the use and benefit of the grantee.

WORK TO BE DONE—106. The grantee shall lay at least one hundred feet of flume during the first year of such grant, and three hundred feet annually thereafter, until completion of the flume; but the amount of flume to be laid may be reduced at the discretion of the Gold Commissioner.

USE CLAIM-HOLDER MAKE OF FLUME—107. Any free miner lawfully working any claim where a bed-rock flume exists shall be entitled to tail his sluices, hydraulics, and ground sluices into such flume, but so as not to obstruct the free working of such flume by rocks, stones, boulders, or otherwise.

RECORD OF GRANT, RENT—108. The grantee shall record his grant with the Mining Recorder within three days after obtaining the same, and pay for such record the fee provided in the schedule to this Act; and he shall also pay to the Mining Recorder annually a rent of twelve dollars and fifty cents for each quarter of a mile of right of way legally held under such grant.

INTEREST OF GRANTEE—109. The interest of the grantee in his grant, and in all flumes and fixtures connected therewith, shall be deemed to be a chattel interest equivalent to a lease for the term of such grant.

EXTENSION OF TERM—110. Upon the expiration of the grant for a bed-rock flume, it may be extended for any further term not exceeding five years for any one extension, at the discretion of the Gold Commissioner.

FORFEITURE—111. Any grant of a bed-rock flume shall be forfeited whenever the grantee shall fail to comply with the conditions thereof, or of this Act.

## PART VII.—Leases.

LEASES OF UNOCCUPIED LAND FOR PLACER MINING, ETC—112. (1896, C. 35, s.5.) It shall be lawful for the Gold Commissioner, with the sanction of the Lieutenant-Governor in Council, to grant a lease of any unoccupied and unreserved Crown land for placer mining purposes or for precious stone diggings for any term not exceeding twenty years, on such terms and conditions as he shall think fit; and any free miner desiring to obtain a lease of any placer mining ground shall mark out such ground by placing a legal post at each corner, and shall post a notice on the post nearest to the placer mining claims then being worked in the immediate locality, and also on the office of the Mining Recorder, which notice shall set out—

- (1.) The name of each applicant:
- (2.) The locality of the ground to be acquired:
- (3.) The quantity of ground:
- (4.) The term for which such lease is to be applied for.

APPLICATION FOR—113. (1896, C. 35, s. 6.) The free miner, after staking the ground and posting the notices as aforesaid, shall, within thirty days, make application in writing, addressed to the Gold Commissioner, which application shall be in duplicate, with the plan of the ground on the back, and shall leave the same at the office of the Mining Recorder, which application shall set out—

- (1.) The name of each applicant:
- (2.) The number of each applicant's free miner's certificate:
- (3.) The locality of the ground:
- (4.) The quantity of ground:
- (5.) The term of the lease desired:
- (6.) The rent proposed to be paid.

TRIPLICATE GROUND PLAN—114. (1896, C. 35, s. 7.) On making such application the free miner shall deposit with the Mining Recorder, for the use of the Gold Commissioner, a plan of the ground, in triplicate. And every person making application for a lease of mining ground for any purpose under the provisions of this Act shall deposit the sum of twenty dollars with the Gold Commissioner at the time the application is made. If the application is granted, the twenty dollars deposited to be applied toward the pay-



ment of the first year's rent, and the balance of the first year's rent shall be paid by the applicant within sixty days after the Gold Commissioner gives him notice of the execution of the lease, which notice may be sent by letter to the applicant to his address; such address to be left with the Gold Commissioner when the application for the lease is made. If the application is not granted, the twenty dollars deposited is to be returned to the applicant; but in case the applicant fails to perform his part in accordance with his application, then the twenty dollars deposited shall be forfeited to the government, and his application shall be void.

115. (Repealed by 1896, c. 35, s. 8.)

AREAS—116. (1896, c. 35, s. 9.) Applications shall not be for greater than the following areas or distances:

In creek diggings on abandoned or unworked creeks, half a mile in length:

Any other placer mining ground, eighty acres; but in no case shall any lease extend along any creek or river more than five hundred yards, creek diggings excepted:

Precious stone diggings, ten acres; but the right to mine for precious stone shall not include the right to mine for gold or other precious metals, unless the ground be held also for that purpose separately, under the provisions of this Act:

Provided, always, that nothing in this Act shall be deemed to affect the right of any holder of a lease of placer mining ground to a renewal thereof, if such holder has substantially made and performed upon the ground the labor, work, and expenditure required by such lease as a condition of renewal thereof.

AGRICULTURAL OR OCCUPIED GROUND—117. (1894, c. 33, s. 6.) A lease shall not be granted for any mining ground any portion of which is actually occupied by free miners, unless with the consent of such occupiers; and no lease shall be granted for any mining ground which is, in the opinion of the Gold Commissioner, available for agricultural purposes.

GOLD COMMISSIONER, POWERS OF—118. (1896, c. 35, s. 10.) The Gold Commissioner may, with the sanction of the Lieutenant-Governor in Council, grant or refuse any application for a lease of placer mining ground, or modify the terms and conditions of such application as he shall think fit.



APPLICATIONS, PLAN ANNEXED—119. (1896, c. 35, s. 11.) Every application for a lease of placer mining ground, together with the plan of the ground and the Gold Commissioner's report thereon, shall be forwarded by such Gold Commissioner to the Lieutenant-Governor in Council, and no lease shall be granted on any such application without his sanction.

LEASES TO BE WRITTEN—120. (1896, c. 35, s. 12.) Every lease of mining ground shall be in writing signed by the Gold Commissioner and the lessee, and shall be in duplicate or triplicate, as the case may require, and one copy of every such lease shall, as soon as possible after it is issued, be transmitted by mail by the Gold Commissioner issuing the same, to be filed in the office of the Mining Recorder in the mining division of the district in which the mining ground leased is situated.

CONTENTS OF—121. Every lease shall provide for securing to the public reasonable rights of way and water, and shall contain a covenant by the lessee to mine the ground in a miner-like manner, and shall contain such covenants for the continuous working of such ground as the Gold Commissioner shall think reasonable, and shall reserve the right to free miners to enter on such ground and mine for veins or lodes, as defined by the "Mineral Act, 1891."

FORFEITURE OF—122. (1896, c. 35, s. 13.) On the non-performance or non-observance of any covenant or condition in any lease, such lease shall be declared forfeited by the Gold Commissioner, subject to the approval of the Minister of Mines, unless good cause is shown to the contrary. After any such declaration of forfeiture, the mining ground shall be open for location by any free miner. No lease, whether made before or after the passage of this Act, shall hereafter be declared forfeited, except in accordance with this section.

TO BE ONLY FOR PLACER MINING—123. Leases shall be granted for placer mining only, and shall not be assigned or sub-let without the written consent of the Gold Commissioner.

GRANT OF WATER—EXTENSION—FORFEITURE—124. (1896, c. 35, s. 14.) When any placer mining ground is held under lease, the lessee of such mining ground shall

be entitled to a free grant from the Gold Commissioner of such quantity of unappropriated water, from any stream or lake, together with the right and privilege to construct, erect, and maintain dams, gates, and flumes for the purpose of diverting, storing, and controlling such water as may, in the opinion of the Gold Commissioner, be necessary to work the said mining ground efficiently, and shall have the right of way through any mining ground for the purpose of constructing ditches and flumes to convey such water to the mining ground so held, which grant shall be for the same term for which the mining ground is leased. Whenever such mining ground shall have been efficiently worked as required by the conditions of the lease, to the satisfaction of the Gold Commissioner, and if at the expiration of the lease a portion of said mining ground remains still to be worked, the lessee may obtain an extension of the lease and grant, upon the same conditions as the original lease and grant, for such reasonable time as will enable him to work out such portion of said mining ground as still remains unworked, and the Gold Commissioner may, with the sanction of the Lieutenant-Governor in Council, grant such extension by memorandum endorsed on the lease; Provided, that whenever the mining ground so held under lease has been forfeited, abandoned, or worked out, or the occasion for the use of the water upon such mining ground shall have permanently ceased, the grant of such water shall terminate. But in any case where the ditch or flume constructed for conveying such water shall have a carrying capacity of not less than five hundred inches, and shall have cost not less than five thousand dollars, such ditch or flume shall remain the property of the owner thereof.

PROCEDURE TO OBTAIN GRANT—124a. (1896, c. 35, s. 15.) Before applying for any such water grant, the holder of a lease shall—

(1.) Post a notice in writing on a legal post upon some conspicuous part of the mining ground on which such water is intended to be used, and a copy of such notice on the office of the Mining Recorder for at least twenty days, which notice shall contain the following particulars:

(a.) The name of each applicant:

(b.) The number of each applicant's free miner's certificate:

(c.) The name, or if unnamed, a sufficient description

of the stream, lake, or other source from which such water is intended to be taken:

- (d.) The point of diversion or intended ditch-head:
- (e.) The number of inches of water applied for:
- (f.) The purpose for which it is required:
- (g.) The date of the notice.

CONSOLIDATION OF CLAIMS—124b. (1896, c. 35, s. 15.) Any free miner, or two or more free miners, holding adjoining leases of placer mining ground, may consolidate his or their holdings into one holding, not to exceed six hundred and forty acres, by filing with the Mining Recorder a declaratory statement containing the name of the company or partnership which is to hold the consolidated lease, the location and size of each lease, and the particular interest of each free miner in the leases to be consolidated, and such statement shall be signed by the holder or holders of the leases to be consolidated. After filing such declaratory statement, such free miner, or free miners, shall be allowed in each and every year to perform on any one or more of such leases all the work that is necessary to be performed to hold all such leases, and any water grant that has been made for the working of any one of such leases shall, after the consolidation of such leases, be appurtenant to and may be used on any one of such consolidated leases; and provided further, that when two or more leases have been consolidated into one holding, as provided in this section, and such leases contain a provision that a certain amount of money shall be expended in working each of such leases each year in order to hold it, the holder or holders of such leases may, in lieu of the required expenditure in work on such leases in each year, pay to the Mining Recorder of the Mining Division in which such leases are situate, a sum equal to twenty-five per cent. of the aggregate amount required to be so expended in work on the consolidated leases, and receive from such recorder and record a receipt for such payment; and payment and record thereof in any year shall relieve the person making it from the necessity of doing any work during the year in and for which and upon the lease in respect of which such payment is recorded.

RECORD OF WATER GRANTS—125. (1896, c. 35, s. 16.) Every grant, and every extension of a grant, of a water right for mining grounds leased shall be recorded in the



“Record of Water Grants,” but it shall not be necessary to record such grant or extension annually.

LEASE OF RIVER BED, ETC.—126. (1895, c. 40, s. 8.) It shall be lawful for the Gold Commissioner, with the sanction of the Lieutenant-Governor in Council, to grant a lease for any term, not exceeding twenty years, of the bed of any river below low water mark for dredging purposes, for a distance not exceeding five miles, upon such terms as he shall think fit: Provided, always, that every such lease shall reserve the right to every free miner or mining company to run tailings into such river at any point thereon, also to mine two feet below the surface of the water at low water mark, by putting in wing-dams, whether such free miner shall locate before or after the date of such lease; and it shall be lawful for the holder or holders of any lease or leases, whether granted before or after the passing of this Act, engaged in dredging for gold in any such river, at the time when they may be engaged in dredging, to cut into any bar, bench, or old channel on any of the banks of such river on which they hold leases, or mine in any bench or bank thereof during high or low water, provided the same ground is not leased under the “Placer Mining Act, 1891,” and amending acts, or any other act, or is not at such time being worked by free miners, the right being always reserved to free miners to construct wing-dams as far as may be desired into any of such bars, banks or benches for the purpose of conducting mining operations either by sluice or rocker, and parties holding such dredging leases shall not in any manner interfere with any free miner or stop him from working any part of said rivers or benches, otherwise than by dredging, of which the holders of such leases shall have the full right.

### Dredgers — Protection.

DREDGERS—126a. (1895, c. 40, s. 9.) It shall not be lawful for any free miner to construct wing-dams within one thousand feet of any dredger while working, nor to obstruct any dredger in any manner.



## PART VIII.

## Mining Recorders—Appointment, Duties, Powers.

(Sections 127, 128, 129 and 130 are same as sections 103, 104, 105 and 106, part 4.)

BOOKS KEPT BY MINING RECORDER—131. Every Mining Recorder shall keep the following books, to be used for placer mining entries:

- (a.) A book to be known as the "Record Book:"
- (b.) A book to be known as the "Record of Abandonments:"
- (c.) A book to be known as the "Record of Affidavits:"
- (d.) A book to be known as the "Record of Conveyances:"
- (e.) A book to be known as the "Record of Water Grants."

RECORD AND RE-RECORD OF CLAIMS—132. Upon the application of or on behalf of any free miner, and upon receipt of all the particulars required by section 23 of this Act, the Mining Recorder shall record any placer claim, by entering all the particulars required by said section in the Record Book, which entry shall be, as near as convenient, in the Form B in the Schedule to this Act. Upon the application of or on behalf of any free miner, and upon receipt of all the particulars required by section 28 of this Act, the Mining Recorder shall re-record any placer claim, by entering all the particulars required by said section in the Record Book, which entry shall be, as near as convenient, in Form C in the Schedule to this Act. The Mining Recorder shall not make any such record until he has received all the particulars required by section 23, and any record made in violation of this section shall be absolutely void.

LAY-OVER—133. The Mining Recorder shall record every lay-over, leave of absence, license permit, and other privilege granted and forfeiture declared by the Gold Commissioner in the Record Book.

WATER GRANT—134. The Mining Recorder shall record all water grants and extensions thereof in the Record of Water Grants.

(Sections 135, 136, 137, 138, 139, 140, 141 and 142 are same as sections 113, 114, 115, 116, 117, 118, 119 and 122, part 4.)

**RECORDER TO RECEIVE DOCUMENTS—143.** The Mining Recorder shall receive all applications and other documents addressed to or intended for the Gold Commissioner, and forward the same to the Gold Commissioner.

**TO RECEIVE MONEY—144.** The Mining Recorder shall receive all deposits of money directed to be made by this Act, and apply the same as directed by this Act.

**TO COLLECT RENT—145.** The Mining Recorder shall collect all rents collectible under the conditions of any lease or other documents granted under the provisions of this Act.

**MONEYS TO BE PAID INTO TREASURY—146.** The Mining Recorder shall forward to the Provincial Treasury all fees, rents, fines, penalties, and other moneys collected or obtained by him in accordance with the provisions of this Act.

(Sections 147, 148 and 149 are same as sections 123, 124 and 125, part 4.)

**HOURS—150.** The Mining Recorder's office shall be open upon all days, excepting public holidays, from 10 a. m. to 4 p. m., and such times shall be deemed the office hours of such office.

## **PART IX.—Gold Commissioner's Powers.**

**POWERS OF COMMISSIONER—151.** It shall be lawful for the Gold Commissioner to perform the following acts in accordance with the provisions of this Act:

(a.) He may lay over any or all claims, and may grant to any holder of a claim leave of absence for such period and reasons as he may think proper:

(b.) He may prescribe the number of miners who shall be required to work in prospecting a set of claims until gold in paying quantities is found:

(c.) For the more convenient working of back claims on benches or slopes, the Gold Commissioner may permit the owners thereof to drive a tunnel through the claims fronting on any creek, ravine, or water-course, upon such terms as shall seem expedient: Provided that in tunneling under hills, on the frontage of which angles occur, or which may be of an oblong or elliptical form, no party shall be allowed to tunnel from any of the said angles, nor from either end of

such hills, so as to interfere with parties tunneling from the main frontage:

(d.) He may mark out a space of ground for deposits of leavings and deads from any tunnel, claim, or mining ground, upon such terms as he may think just:

(e.) He may extend the limits of a claim in "bench diggings" beyond the limits of the bench, but not to exceed 100 feet square:

(f.) He may, in case of disputed boundaries or measurements, employ a surveyor to mark and define the same, and cause the reasonable expense thereof to be paid by either or both of the parties interested therein:

(g.) He may permit or order mining posts to be moved:

(h.) He may summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public, any public work or highway, or any mining property, mineral claim, placer claim, bed-rock drain, or bed-rock flume; and any abandoned works may by his order be either filled up, or guarded to his satisfaction, at the cost of the party who may have constructed the same, or, in his absence, upon such terms as he shall think fit:

(i.) He may, upon application made to him, allow a free miner such right of entry upon any adjacent claim as may be necessary for the working of his claim, and upon such terms as may to him seem reasonable:

(j.) He may grant licenses and rights of way for the purpose of constructing drains or tunnels, and may exercise such powers as are specified in Part III. of this Act:

(k.) He may grant water rights, and renew the same, and declare the same forfeited, and grant all such privileges, and exercise such powers as are specified in Part IV. of this Act:

(l.) He may grant rights of way for the purpose of constructing a bed-rock flume, and may extend the grant at its expiration, in accordance with Part VI. of this Act:

(m.) He may grant leases of placer mining ground, and of unappropriated water to work the same, and may grant renewals of such leases, and grant such privileges and exercise all such powers as are specified in Part VII. of this Act:

GRANTS UNDER G. M. A. ACT, 1873—152. Notwithstanding anything contained in the "Gold Mining

Amendment Act, 1873," or in any Crown grant issued under the said Act, or under this or any other Act, it shall be lawful for the Gold Commissioner, in his discretion, and with or without any terms or conditions, to allow to the owners of placer claims all such rights or privileges in and over mineral or other claims held as real estate as may be allowed in and over claims not so held; and owners of claims held as real estate shall be entitled to the same rights and privileges as owners of claims not so held.

POWER TO CARRY OUT ACT—153. The Gold Commissioner shall have power to do all things necessary or expedient for the carrying out of the provisions of this Act.

### Administration.

DECEASED MINER'S PROPERTY—154. The Gold Commissioner shall take possession of the mining property of any deceased free miner, and may cause such mining property to be duly worked, or dispense therewith at his option.

ESTATE OF INTESTATE DECEASED MINER—155. The Gold Commissioner, or any person authorized by him, shall take charge of all the property of any deceased free miner until the issue of letters of administration or probate of the will, if any: Provided, however, that where any free miner shall die intestate, and the value of the personal estate of such deceased free miner is less than three hundred dollars, it shall not be necessary for the Gold Commissioner to obtain from any court letters of administration, but in such case the Gold Commissioner may administer and wind up the personal estate of the deceased, and do all things necessary and proper therefor, and act in all respects as if letters of administration to the personal estate of such deceased free miner had been granted to such Gold Commissioner and the Gold Commissioner shall produce and pass his accounts, in each estate of which he shall undertake the administration, before a Judge of the County Court of the district.



## PART X.—County Courts.

### JURISDICTION, PROCEDURE FORMS, AND COSTS.

(Section 156, see 144, part 6, omitting subsection 11.)

Sections 157, 158, 159, 160, 161, 162, 163, 164 and 165 are same as sections 145, 146, 147, 148, 149, 150, 151, 152 and 153, part 6, Mineral Act.)

JURISDICTION, SUPREME COURT—166. The jurisdiction given to the County Court by this Act shall not in any manner interfere with or lessen the jurisdiction of the Supreme Court.

## PART XI.—Penal and Miscellaneous.

(Section 167 is same as section 154, part 8.)

PENALTIES—168. All fines and penalties imposed or payable under this Act may be recovered by distress and sale of any mining or other personal property of the offender, and in default by imprisonment, with or without hard labor, for any term not exceeding three months.

FINES, ETC.—169. All fees, rents, fines, penalties and other moneys collected under this Act shall be paid into the Provincial Treasury.

(Section 170 is same as section 157, part 8.)

COPIES OF ACT—171. Every free miner, on application to the Mining Recorder, shall be entitled to a printed copy of this Act.

(Section 172 is same as section 159, part 8.)

## Taxation.

MINES AND MONEYS INVESTED NOT EXEMPT—173. (1895, c. 40, s. 12.) Notwithstanding anything contained in the said "Placer Mining Act, 1891," or amendments thereto, mines and moneys invested therein shall not be exempt from taxation, but shall bear such rate as may be imposed by any law in force in the Province.

(Section 174 is same as section 161, part 8, except read "Placer Mining Act, 1891," instead of "section 9 of this Act.")

PENDING LITIGATION NOT AFFECTED—175. (1895, c. 40, s. 14.) Nothing in this Act (1895, c. 40, s. 14) shall affect litigation pending on the first February, 1895.

## Confirmation.

SHORT TITLE—1. This Act may be cited as the “Mineral Claim Confirmation Act, 1893.”

NOT TO AFFECT THE TITLE TO CERTAIN CLAIMS.  
2. The title to any claim bona fide located in accordance with the provisions of the “Mineral Act, 1891,” after the passage of the “Mineral Act (1891) Amendment Act, 1892,” but before the receipt by the Mining Recorder of the district in which such claim is recorded of intelligence that such Amendment Act had been passed, and of the nature of the provisions respecting the size, shape, and method of staking mineral claims thereby substituted for the provisions previously existing shall be in no wise affected or prejudiced by the passage of the said Acts.

## LODE CLAIMS.

### FORMS USED UNDER BRITISH COLUMBIA LAWS.

(FROM STATUTES, 1896.)

#### Form A—LOCATION NOTICE.

..... Mineral Claim.  
I, ....., have this day located this ground as a mineral claim, to be known as the ..... Mineral Claim, ..... feet in length by ..... feet in breadth. The direction of the location line is ....., and ..... feet of this claim lie to the right and ..... feet to the left of the location line.

Dated this .... day of ....., 189..

Take care to number the posts 1, 2, making the initial post 1.

#### Form B—RECORD OF MINERAL CLAIMS.

.....Mineral Claim. No. of Certificate-----  
Located by: (Set out the name and receipt form of payment of

the record fee of each locator, and the No. of each locator's Free Miner's Certificate opposite such name.)

The claim is situate .....

The direction of the location line is .....

The length of the claim is ..... feet.

The claim was located on the ..... day of ....., 189..

Recorded this ..... day of ....., 189..

....., Mining Recorder.

(If the stakes are not on the location line, comply with sec. 18.)

#### Form C—RECORD OF PARTNERSHIP MINERAL CLAIM.

..... Mineral Claim.

Located in the partnership name of .....

The members of the partnership, and the Nos. of their respective Free Miner's Certificates are .....

The receipt form of payment of the record fee.

The claim is situate .....

The direction of the location line is .....

The length of the claim is ..... feet.

The claim was located on the ..... day of ....., 189..

Recorded this ..... day of ....., 189..

....., Mining Recorder.

(If the stakes are not on the location line, comply with sec. 18.)

#### Form D—APPLICATION FOR CERTIFICATE OF WORK.

Affidavit.

I, ....., of ....., in the District of ....., free miner, make oath and say:

I have done, or caused to be done, work on the ..... Mineral claim, situate at ....., in the District of ....., to the value of at least one hundred dollars, since the ..... day of ....., 189.. The following is a detailed statement of such work: (Set out full particulars of the work done in the twelve months in which such work is required to be done by sec 24.)

Sworn, etc.

(This affidavit may be made by an agent, and can be altered to suit circumstances.)

#### Form E—CERTIFICATE OF WORK.

(Name of claim) Mineral Claim.

This is to certify that an affidavit setting out a detailed statement of the work done on the above claim since the ..... day of ....., 189., made by ....., has this day been filed in my office, and in pursuance of the provisions of the act in that behalf, I do now issue this certificate of work in respect of the above claim to .....

....., Gold Commissioner or Mining Recorder.

Dated .....

#### Form F—CERTIFICATE OF IMPROVEMENTS.

Notice.

..... Mineral Claim.

Situate in the ....., Mining Division of ..... District.

Where located.

Take notice that I, ....., Free Miner's Certificate No. ...., intend, sixty days from the date hereof, to apply to the

mining recorder for a certificate of improvements, for the purpose of obtaining a Crown grant of the above claim.

And further take notice, that action, under section 37, must be commenced before the issuance of such certificate of improvements. ....

Dated this ..... day of ....., 189..

### Form G—APPLICATION FOR CERTIFICATE OF IMPROVEMENTS.

#### Applicant's Affidavit.

I, ..... of ....., in the District of ....., make oath and say:

1. I, ....., the recorded holder, and am in undisputed possession of the ..... Mineral Claim, situate at ....., in the District (or Division) of .....

2. I, ....., have done, or caused to be done, work on the said claim in developing a mine to the value of at least five hundred dollars, full particulars whereof are hereunto annexed and marked "A."

3. I, ....., found a vein or lode within the limits of the said claim.

4. I, ....., had the claim surveyed by ....., who has made three plats of the said claim.

5. I, ....., placed one such plat on a conspicuous part of the land embraced in such plat on the ..... day of ....., 189..

6. I, ....., posted a copy of the notice hereunto annexed, and marked "B," at the same place as said plat is posted, on the ..... day of ....., 189., and another copy of the Mining Recorder's office at ....., on the ..... day of ....., 189., which said notice and plat have been posted, and have remained posted, for at least sixty days concurrently with the publication of the said notice in the British Columbia Gazette.

7. I, ....., inserted a copy of the said notice in the British Columbia Gazette, where it first appeared on the ..... day of ....., 189., and in the ....., a newspaper published in the province and circulating in the district in which the said claim is situated, where it first appeared on the ..... day of ....., 189., and was continuously published for sixty days concurrently with the publication of the said notice in the British Columbia Gazette prior to the date of this affidavit.

8. I, ....., deposited a copy of the field notes and plat in the Record Office at ..... on the ..... day of ....., 189., and they remained there for reference for sixty days concurrently with the publication of the said notice in the British Columbia Gazette.

Sworn and subscribed to ....., at ....., this ..... day of ....., 189., before me.

\*Particulars must be exclusive of all houses and other like improvements.

This affidavit may be made by an agent, duly authorized, in writing, and can be altered to suit circumstances.

### Form H—CERTIFICATE OF IMPROVEMENTS.

..... Mineral Claim.

This is to certify that ..... of ....., in the District of ....., Free Miner's Certificate No. ....., has proved to my satis-



faction that he has complied with all the provisions of the "Mineral Act" to entitle him to a certificate of improvements in respect of the ..... Mineral Claim, situate at ....., in the District of .....; and in pursuance of the provisions of the said Act I do now issue this certificate of improvements, in respect of the above claim, to ..... ..

Dated .....

..... Gold Commissioner.

This certificate will become void unless a Crown grant is applied for within three months from this date.

(Form may be altered to suit circumstances.)

### Form I—MINING RECORDER'S CERTIFICATE.

..... Mining Division. .... District. .... Mineral Claim.

Date located..... Date recorded, .....

To .....

Sir—I herewith enclose the following documents relating to your application for a certificate of improvements to the above claim:

Affidavit of ....., applicant (Form H);

Copy of plat of claim;

Copy of surveyor's field notes.

And I hereby certify that ..... has published a notice of his intention to apply for a certificate of improvements for sixty days in the British Columbia Gazette, from the ..... day of ....., 189., and ..... newspaper from the ..... day of ..... 189.. That during the above period a notice in accordance with section 36, subsection (d), has been posted, and a copy of the field notes and plat of the said claim deposited for reference in my office, and that no notice of any action having been commenced against the issuance of a certificate of improvements to the said claim has been filed in this office up to this date. The recorded owner of the said claim at this date is .....

Dated ....., 189..

..... Mining Recorder.

### Form J—MILL SITE.

#### Notice.

Take notice that I, ....., of ....., in the District of ....., Free Miner's Certificate No. ....., intend, sixty days from the date hereof, to apply for ..... acres of land for a mill site, situate at ....., in the District of ....., as a mill site.

Dated .....

.....

### Form K—MILL SITE.

#### Affidavit of Applicant Prior to Lease.

I, ....., of ....., in the District of ....., free miner, make oath and say:

1. I have marked out the land required by me for a mill site, by placing a legal post at each corner.

2. I have posted a notice on each such post, and on the Mining Recorder's Office at ....., a copy of which notice is hereto annexed, and marked "A."

3. The said land is not known to contain minerals, and is not, to the best of my knowledge and belief, valuable as mineral land.

.....

Form L—LEASE OF MILL SITE.

This indenture, made the ..... day of ....., 189., between ..... the Gold Commissioner for the District of ..... hereinafter called the lessor), of the one part, and ..... of ....., in the District of ....., free miner (hereinafter called the lessee), of the other part witnesseth, that in exercise of the powers vested in him by the "Mineral Act," he, the said lessor, does hereby demise unto the said lessee, his executors, administrators and assigns, all that (describe the mill site) for the term of one year from the date hereof, subject to the provisions and conditions of the "Mineral Act" relating to mill sites.

In witness whereof, the said parties have hereunto set their hands and seals. ....

Signed, sealed, and delivered ..... ..

Form M—MILL SITES.

Certificate of Improvements.

This is to certify that ..... has put or constructed works or machinery, for mining or milling purposes, to the value of at least five hundred dollars, on the mill site described in and demised by indenture dated the ..... day of ....., 189., and made between ..... during the existence of such lease.

..... Gold Commissioner.

Form O—TUNNEL OR DRAIN LICENSE.

To all whom it may concern:

Take notice that ..... a free miner and the owner of ....., having given security to the amount of ..... for any damage he may do, has this day obtained a license from me to run a tunnel (or drain) from ..... to his said claim (or mine).

The said license is granted on these express conditions: (Set out conditions, if any.)

Dated ..... .. Gold Commissioner.

SCALE OF FEES TO BE CHARGED.

For every Free Miner's Certificate (for each year).....	\$5 00
Every substituted certificate .....	1 00
Recording any claim .....	2 50
Recording every certificate of work .....	2 50
Recording any "lay over," or every other record required to be made in the "Record Book" .....	2 50
Recording every abandonment, including the memorandum to be written on the record .....	2 50
For any other record made in the "Record of Abandonments" .....	2 50
For recording every affidavit, where the same does not exceed three folios of 100 words .....	2 50
For every folio over 3, 30 cents per folio.	
The above rate shall be charged for all records made in the "Record of Affidavits."	
For all records made in the "Record of Conveyances," where the same do not exceed three folios .....	2 50
For every folio over three, a further charge of 30 cents per folio.	

For all copies or extracts from any record in any of the above named books, where such copy or extracts shall not exceed three folios, per copy .....	2 50
Where such copies or extracts exceed three folios, 30 cents per folio for every folio over three.	
For filing any document .....	25
For a Crown grant .....	5 00

## FORMS FOR USE UNDER PLACER MINING ACT.

### A—LOCATION NOTICE.

(Set out name of claim) ..... Placer Claim.

Take notice that (set out the name of each locator) have this day located this ground as a placer claim (or as a set of ..... placer claims), to be known as the ..... Placer Claim, ..... feet in length. Its general direction is .....

Dated .....

(Mark one post "Initial Post" and fix this notice on that post. If a set of claims is located only one notice is requisite, but there must be an initial post for each claim.)

### B—RECORD OF A PLACER CLAIM.

(Name of Claim ..... Placer Claim.

Located by ..... No. of certificate, ..... (Set out the name of each locator, and the number of each locator's Free Miner's Certificate opposite such name.)

The claim is situate ..... The length of the claim is ..... feet. Recorded for ..... years.

Located on the ..... day of ..... 189.. Recorded this ..... day of ....., 189..

### C—RE-RECORD OF A PLACER CLAIM.

(Name of Claim) Placer Claim.

(Set out the name of each holder of an interest in such claim, and number of each holder's Free Miner's Certificate.)

The claim is situate .....

Re-recorded for .....years, to commence to run from the.... day of ....., 18...

Re-recorded this ..... day of ....., 189..

### D—RECORD OF A SET OF PLACER CLAIMS.

(Set out the name of each claim.)

Located in the partnership name of ..... .....

The members of the partnership and the numbers of their respective Free Miner's Certificates are: .....

The claims are situate ..... The length of each claim is ..... feet. Recorded for ..... years.

Located on the ..... day of ....., 189.. Recorded on this ..... day of ....., 189..

## E—TUNNEL OR DRAIN LICENSE.

(Same as Form O, ante.)

## F—APPLICATION FOR PUBLIC DRAIN GRANT.

We (set out names in full of each applicant), the undersigned free miners, do hereby apply for a public drain grant, to enable us to construct a drain (set out nature and extent of proposed drain), and to charge the following tolls to all persons using such drain (set out proposed tolls), such grant to run for ..... years, and we do further apply for the following privileges to be included in such grant (set out privileges sought to be acquired).

Dated .....

To the Gold Commissioner.

(Post notice on ground and on Mining Recorder's Office, setting out application.)

## G—WATER NOTICE.

Take notice that we (set out the name of each applicant and number of each applicant's Free Miner's Certificate), shall, twenty days from the date of this notice, apply to the Gold Commissioner for a grant of a water right over water in (set out the name, or, if unnamed, a sufficient description of the stream, lake, or other source from which water is to be taken.)

The intended point of diversion is ..... The number of inches of water to be applied for is ..... The purpose for which such water is required is .....

Dated .....

Forms C to H, lode claims applicable for placer.



# YUKON

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## Amendments and Additions Adopted May 12, 1897, Governing Placer Mining on the Yukon and Its Tributaries and Northwest Territories.

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Amendments and additions adopted May 12, 1897, governing placer mining on the Yukon and tributaries and Northwest Territory:

“Privy Council, Canada, at the Government House at Ottawa, Friday, the 21st day of May, 1897.—Present, His Excellency the Governor-General, in Council: Whereas, it is found necessary and expedient that certain amendments and additions should be made to the regulations governing ‘placer mining’ established by order of the council of the 9th of November, 1889.

“Therefore, his excellency, in virtue of the provisions of ‘The Dominion Lands Act,’ chapter 54, of the Revised Statutes of Canada, and by and with the advice of the Queen’s Privy Council for Canada, is pleased to order that the following regulations shall be, and the same are hereby, substituted for the governance of placer mining along the Yukon river and its tributaries, in the Northwest Territories, in the room, place and stead of those regulations established by order in council of the 9th day of November, 1889.

(Signed.)

“JOHN J. M’GEE,

“Clerk of the Privy Council.

“To the Honorable the Minister of the Interior.”

### Interpretation.

“Bar Diggings” shall mean any part of a river over which the water extends when the water is in its flooded state, and which is not covered at low water.

Mines on benches shall be known as bench diggings, and shall for the purpose of defining the size of such claims be excepted from dry diggings.

"Dry diggings" shall mean any mine over which a river never extends.

"Miner" shall mean a male or female over the age of 18, but not under that age.

"Claims" shall mean the personal right of property in a placer mine or diggings during the time for which the grant of such mine or diggings is made.

"Legal post" shall mean a stake standing not less than four feet above the ground and squared on four sides for at least one foot from the top. Both sides so squared shall measure at least four inches across the face. It shall also mean any stump or tree cut off and squared or faced to the above height and size.

"Close season" shall mean the period of the year during which placer mining is generally suspended. The period to be fixed by the gold commissioner in whose district the claim is situated.

"Locality" shall mean the territory along a river (tributary of the Yukon) and its affluents.

"Mineral" shall include all minerals whatsoever, other than coal.

## Nature and Size of Claims.

First—Bar diggings: A strip of land 100 feet wide at high water mark, and thence extending along into the river to its lowest water level.

Second—The sides of a claim for bar diggings shall be two parallel lines run as nearly as possible to its right angles to the stream, and shall be marked by four legal posts, one at each end of the claim at or about high water mark, also one at each end of the claim at or about the edge of the water. One of the posts at high water mark shall be legibly marked with the name of the miner and the date upon which the claim is staked.

Third—Dry diggings shall be 100 feet square, and shall have placed at each of its four corners a legal post, upon one of which shall be legibly marked the name of the miner and the date upon which the claim was staked.

Fourth—Creek and river claims shall be 500 feet long, measured in direction of the general course of the stream, and shall extend in width from base to base of the hill or bench on each side, but when the hill or benches are less than 100

feet apart, the claim may be 100 feet in depth. The sides of a claim shall be two parallel lines run as nearly as possible at right angles to the stream. The sides shall be marked with legal posts at or about the edge of the water and at the rear boundaries of the claim. One of the legal posts at the stream shall be legibly marked with the name of the miner and the date upon which the claim was staked.

Fifth—Bench claims shall be 100 feet square.

Sixth—In defining the size of claims, they shall be measured horizontally, irrespective of inequalities on the surface of the ground.

Seventh—If any person or persons shall discover a new mine, and such discovery shall be established to the satisfaction of the gold commissioner, a claim for the bar diggings 750 feet in length may be granted.

A new stratum of auriferous earth or gravel situated in a locality where the claims are abandoned shall, for this purpose, be deemed a new mine, although the same locality shall have previously been worked at a different level.

Eighth—The forms of application for a grant for placer mining and the grant of the same shall be those contained in forms H and I in the schedule hereto.

Ninth—A claim shall be recorded with the gold commissioner in whose district it is situated within three days after the location thereof, if it is located within ten miles of the commissioner's office. One extra day shall be allowed for making such record for every additional ten miles and fraction thereof.

Tenth—In the event of the absence of the gold commissioner from his office, entry for a claim may be granted by any person whom he may appoint to perform his duties in his absence.

Eleventh—Entry shall not be granted for a claim which has not been staked by the applicant in person, in the manner specified in these regulations. An affidavit that the claim was staked out by the applicant shall be embodied in form H of the schedule hereto.

Twelfth—An entry fee of \$15 shall be charged the first year and an annual fee of \$100 for each of the following years. This provision shall apply to the locations for which entries have already been granted.

Thirteenth—After the recording of a claim, the removal of any post by the holder thereof, or any person acting in



his behalf, for the purpose of changing the boundaries of his claim, shall act as a forfeiture of the claim.

Fourteenth—The entry of every holder for a grant for placer mining must be renewed, and his receipt relinquished and replaced every year, the entry fee being paid each year.

Fifteenth—No miner shall receive a grant for more than one mining claim in the same locality; but the same miner may hold any number of claims by purchase, and any number of miners may unite to work their claims in common upon such terms as they may arrange, provided such agreement be registered with the gold commissioner and a fee of \$5 paid for each registration.

Sixteenth—Any miner or miners may sell, mortgage or dispose of his or their claims, provided such disposal be registered with and a fee of \$2 paid to the gold commissioner, who shall thereupon give the assignee a certificate in form J in the schedule hereto.

Seventeenth—Every miner shall, during the continuance of his grant, have the exclusive right of entry upon his own claim for the miner-like working thereof, and the construction of a residence thereon, and shall be entitled exclusively to all the proceeds realized therefrom; but he shall have no surface rights therein, and the gold commissioner may grant to the holders of adjacent claims such rights of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as may to him seem reasonable. He may also grant permits to miners to cut timber thereon for their own use, upon payment of the dues prescribed by the regulations in that behalf.

Eighteenth—Every miner shall be entitled to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as shall in the opinion of the gold commissioner be necessary for the due working thereof, and shall be entitled to drain his own claim free of charge.

Nineteenth—A claim shall be deemed to be abandoned and open to the occupation and entry by any person when the same shall have remained unworked on working days by the grantee thereof or by some person on his behalf for the space of seventy-two hours, unless sickness or other reasonable cause may be shown to the satisfaction of the gold commissioner, or unless the grantee is absent on leave given



by the commissioner, and the gold commissioner upon obtaining evidence satisfactory to himself that this provision is not being complied with, may cancel the entry given for a claim.

Twentieth—If the land upon which a claim has been located is not the property of the crown it will be necessary for the person who applies for entry to furnish proof that he has acquired from the owner of the land the surface right before entry can be granted.

Twenty-first—If the occupier of the lands has not received a patent therefor, the purchase money of the surface rights must be paid to the crown, and a patent of the surface rights will issue to the party who acquired the mining rights. The money so collected will either be refunded to the occupier of the land when he is entitled to a patent therefor, or will be credited to him on account of payment for land.

Twenty-second—When the party obtaining the mining rights cannot make an arrangement with the owner thereof for the acquisition of the surface rights it shall be lawful for him to give notice to the owner or his agent or the occupier to appoint an arbitrator to act with another arbitrator named by him in order to award the amount of compensation to which the owner or occupant shall be entitled. The notice mentioned in this section shall be according to form to be obtained upon application from the gold commissioner for the district in which the lands in question lie, and shall, when practicable, be personally served on such owner or his agent, if known, or occupant, and after reasonable efforts have been made to effect personal service without success, then such notice shall be served upon the owner or agent within a period to be fixed by the gold commissioner before the expiration of the time limited in such notice. If the proprietor refuses or declines to appoint an arbitrator, or when, for any other reason, no arbitrator is appointed by the proprietor in the time limited therefor in the notice provided by this section, the gold commissioner for the district in which the lands in question lie shall, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant willfully evades the service of such notice, or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last

place of abode of such owner, agent or occupant, appoint an arbitrator on his behalf.

Twenty-third—(a) All arbitrators appointed under the authority of these regulations shall be sworn before a justice of the peace to the impartial discharge of the duties assigned to them, and they shall forthwith proceed to estimate the reasonable damages which the owner or occupant of such lands according to their several interests therein shall sustain by reason of such prospecting and mining operations.

(b) In estimating such damage the arbitrators shall determine the value of the land, irrespective of any enhancement thereon from the existence of mineral therein.

(c) In case such arbitrators cannot agree they may select a third arbitrator, and when the two arbitrators cannot agree upon a third arbitrator, the gold commissioner for the district in which the lands in question lie shall select such third arbitrator.

(d) The award of any two such arbitrators made in writing shall be final, and shall be filed with the gold commissioner for the district in which the lands lie.

If any cases arise for which no provision is made in these regulations, the provisions of the regulations governing the disposal of mineral lands other than coal lands approved by his excellency the governor in council on the 9th day of November, 1889, shall apply.

## LEGAL FORMS.

### CERTIFICATE OF ASSIGNMENT.

The form of a certificate of assignment of a placer mining claim is as follows:

Form J—No. .... Department of the Interior, Agency ..... 189.. This is to certify that (B. C.) has (or have) filed an assignment in due form dated ....., 189.., and accompanied by a registration fee of two dollars, of the grant to ..... (A. B.) of ....., of the right to mine in ....., (insert description of claim) for one year from ....., 189..

This certificate entitles the said ..... (B. C.) to all rights and privileges of the said ..... (A. B.), in respect of the claim assigned, that is to say, the exclusive right of entry upon the said claim for the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all proceeds therefrom for the remaining portion of the year for which said claim was granted to the said ..... (A. B.), that is to say, until the ....., 189..

The said ..... (B. C.) shall be entitled to the use of so much water naturally flowing through or past his (or their) claim, and not already lawfully appropriated, as shall be necessary for the due working thereof, and to drain the claim free of charge.

This grant does not convey to the said ..... (B. C.) any surface rights in said claim or any rights or ownership in the soil covered by the said claim, and the said grant shall lapse and be forfeited unless the claim is continually and in good faith worked by the said (B. C.) or his (or their) associates.

The rights hereby granted are those laid down in the Dominion mining regulations, and are subject to all provisions of the said regulations; whether the same are expressed herein or not.  
....., Gold Commissioner.

### APPLICATION FOR GRANT.

The form of application for grant for placer mining claim and affidavit of applicant is as follows:

Form H—I (or we), of ..... hereby apply under the Dominion mining regulations for grant of a claim for placer mining as defined in the said regulations in ..... (here describe locality) and I (or we) solemnly swear:

First—That I (or we) am (or are) to the best of my (or our) knowledge and belief, the first discoverer (or discoverers) of the said deposit, or

Second—That the said claim was previously granted to ..... (here name the last grantee), but has remained unworked by the said grantee for not less than .....

Third—That I (or we) am (or are) unaware that the land is other than vacant Dominion lands.

Fourth—That I (or we) did on the ..... day of ..... mark out on the ground in accordance in every particular with the provisions of the mining regulations for the Yukon river and its tributaries, the claim for which I (or we) make this application, and that in so doing I (or we) did not encroach on any other claim or mining location previously laid out by any other person.

Fifth—That the said claim contains as nearly as I (or we) could measure or estimate an area of ..... square feet, and that the description (and sketch, if any) of this date hereto attached signed by me (or us) sets (or set) forth in detail to the best of my (or our) knowledge and ability its position, form and dimensions.

Sixth—That I (or we) make this application in good faith to acquire the claim for the sole purpose of mining, prosecuted by myself (or us), or by myself and associates, or by me (or our) assigns.

Sworn before me at ....., this ..... day of ....., 189..  
(Signature) .....

### GRANT FOR PLACERS.

The form of grant for placer claim is as follows:

Form I—Department of the Interior, ..... agency, .....  
....., 189.. In consideration of the payment of the fee prescribed by clause 12 of the mining regulations of the Yukon river and its tributaries by ..... (A. B.) accompanying his (or her) ap-



plication No....., dated ....., 189., for a mining claim in ..... (here insert description of locality) the minister of the interior hereby grants to the said ..... (A. B.) for the term of one year from the date hereof the exclusive right of entry upon the claim (here describe in detail the claim).

Granted—For the miner-like working thereof and the construction of a residence thereon, and the exclusive right to all the proceeds derived therefrom. That the said ..... (A. B.) shall be entitled to the use of so much water naturally flowing through or past his (or their) claim and not already lawfully appropriated as shall be necessary for the due working thereof, and to drain his (or their) claim free of charge.

This grant does not convey to the said ..... (A. B.) any surface right in the said claim or any right of ownership in the soil covered by the said claim, and the said grant shall lapse and be forfeited unless the claim is continuously and in good faith worked by the said ..... (A. B.) or his (or their) associates.

The rights hereby granted are those laid down in the aforesaid mining regulations and no more, and are subject to all the provisions of said regulations, whether the same are expressed herein or not.

..... Gold Commissioner.

## AMENDMENTS OF JULY 27, 1897.

**BENCH CLAIM, SIZE**—A bench claim shall be 100 feet square and shall have placed at each of its four corners a legal post upon which shall be legibly marked the name of the miner and the date upon which the claim was staked.

**CROWN RESERVATION**—Entry shall only be granted for alternate claims, the other alternate claims being reserved for the Crown to be disposed of at public auction, or in such manner as may be decided by the Minister of the Interior.

**TRESPASS, PENALTY**—The penalty for trespassing upon a claim reserved for the Crown shall be immediate cancellation by the gold commissioner of any entry or entries which the person trespassing may have obtained, whether by original entry or purchase, for a mining claim, and the refusal by the gold commissioner of the acceptance of any application which the person trespassing may at any time make for a claim. In addition to such penalty, the Mounted Police, upon a requisition from the gold commis-



sioner to that effect, shall take the necessary steps to eject the trespasser.

**ROYALTY**—A royalty of ten per cent. on the gold mined shall be levied and collected by officers to be appointed for the purpose, provided the amount so mined and taken from a single claim does not exceed five hundred dollars per week. In case the amount mined and taken from any single claim exceeds five hundred dollars per week, there shall be levied and collected a royalty of ten per cent. upon the amount so taken out up to five hundred dollars, and upon the excess, or amount taken from any single claim over five hundred dollars per week, there shall be levied and collected a royalty of twenty per cent., such royalty to form part of the consolidated revenue, and to be accounted for by the officers who collect the same in due course. The time and manner in which such royalty shall be collected, and the persons who shall collect the same, shall be provided for by the regulations to be made by the gold commissioner.

Default in payment of such royalty, if continued for ten days after notice has been posted upon the claim in respect of which it is demanded, or in the vicinity of such claim, by the gold commissioner or his agent, shall be followed by the cancellation of the claim. Any attempt to defraud the crown by withholding any part of the revenue thus provided for, by making false statements of the amount taken out, shall be punished by cancellation of the claim in respect of which fraud or false statements have been committed or made. In respect of the facts as to such fraud or false statements or non-payment of royalty, the decision of the gold commissioner shall be final.

## No Mining by Proxy.

**AN ACT TO RESTRICT THE IMPORTATION AND EMPLOYMENT OF ALIENS**—(Assented to 28th June, 1897.) Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. From and after the passing of this act it shall be unlawful for any person, company, partnership or corporation in any manner to prepay the transportation, or in any way to assist or encourage the importation or immigration of any alien or foreigner into Canada, under contract or agree-

ment, parole or special, express or implied, made previous to the importation or immigration of such alien or foreigner, to perform labor or service of any kind in Canada.

2. All contracts or agreements, express or implied, parole or special, hereafter made by and between any person, company, partnership or corporation, and any alien or foreigner, to perform labor or service, or having reference to the performance of labor or service, by any person in Canada, previous to the immigration or importation of the person whose labor or service is contracted for into Canada, shall be void and of no effect.

3. For every violation of any of the provisions of section one of this act, the person, partnership, company or corporation violating it by knowingly assisting, encouraging or soliciting the immigration or importation of any alien or foreigner into Canada, to perform labor or service of any kind under contract or agreement, express or implied, parole or special, with such alien or foreigner previous to his becoming a resident in or a citizen of Canada, shall forfeit and pay the sum of one thousand dollars, which may be sued for and recovered by Her Majesty's Attorney General of Canada or the person duly authorized thereto by him, as debts of like amount are now recovered in any competent court in Canada, the proceeds to be paid into the hands of the Receiver General; and separate suits may be brought for each alien or foreigner who is a party to such contract or agreement.

4. The master of any vessel who knowingly brings into Canada on such vessel and lands or permits to be landed from any foreign port or place any alien, laborer, mechanic or artisan who, previous to embarkation on such vessel had entered into contract or agreement, parole or special, express or implied, to perform labor or service in Canada, shall be deemed guilty of an indictable offense and, on conviction thereof shall be punished by a fine of not more than five hundred dollars for each alien, laborer, mechanic or artisan so brought or landed and may also be imprisoned for a term not exceeding six months.

5. Nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country, temporarily residing in Canada, either in private or official capacity from engaging, under contracts or otherwise, persons not residents or citizens of Canada, to act as private secretaries, servants or domestics for such foreigner temporarily

residing in Canada; nor shall this Act be so construed as to prevent any person, partnership or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in Canada in or upon any new industry not at present established in Canada, provided that skilled labor for that purpose cannot be otherwise obtained; nor shall the provisions of this Act apply to professional actors, artists, lecturers, or singers, or to persons employed strictly as personal or domestic servants: Provided, that nothing in this Act shall be construed as prohibiting any person from assisting any member of his family or any relative or personal friend, to migrate from any foreign country to Canada for the purpose of settlement here.

6. The attorney general of Canada, in case he shall be satisfied that an immigrant has been allowed to land in Canada contrary to the prohibition of this Act may cause such immigrant, within the period of one year after landing or entry, to be taken into custody and returned to the country whence he came at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person previously contracting for the services.

7. The receiver general may pay to any informer who furnishes original information that the law has been violated such a share of the penalties recovered as he deems reasonable and just, not exceeding fifty per cent., where it appears that the recovery was had in consequence of the information thus furnished.

8. No proceedings under this Act or prosecutions for violations thereof, shall be instituted without the consent of the attorney general of Canada or some person duly authorized by him.

9. This Act shall apply only to such foreign countries as have enacted and retained in force, or as enact and retain in force, laws or ordinances applying to Canada of a character similar to this Act.

# MINERAL OFFICERS OF BRITISH COLUMBIA.

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Minister of Mines.—Hon. Col. James Baker.

Provincial Mineralogist—W. A. Carlyle.

Public Assayer.—H. Carmichael.

## Mining Recorders.

NANAIMO—M. Bray, Nanaimo.

NEW WESTMINSTER—D. Robson, New Westminster.

EAST KOOTENAY—J. Stirrett, Donald; F. C. Lang, Golden; G. Goldie, Windermere; C. M. Edwards, Fort Steele; M. Phillips, Tobacco Plains.

WEST KOOTENAY—J. H. Graham, Revelstoke; Cory Minhennick, Lardeau; A. Sproat, New Denver; John Keen, Kaslo; W. J. Goepel, Nelson; J. Kirkup, Rossland; J. C. Rykert, Rykert's; T. Taylor, Trout Lake; R. J. Scott, Illecillewaet.

CARIBOO—W. Stephenson, Quesnelle Forks; J. Bowron, Bakerville.

YALE—W. Dodd, Yale; L. Norris, Vernon; C. A. R. Lambly, Osoyoos; W. McMynn, Midway; H. Hunter, Granite Creek; G. C. Tunstall, Kamloops.

LILLOOET—C. A. Phair, Lillooet; F. Soues, Clinton.

CASSIAR—Ezra Evans, Manson Creek Omineca; James Porter, Laketon.

ALBERNI—Thomas Fletcher, Alberni.

VICTORIA—W. S. Gore, Victoria.

## Gold Commissioners.

FOR THE PROVINCE—W. S. Gore.

ALBERNI—Thomas Fletcher, Alberni.

CARIBOO—John Bowren, Richfield.

CASSIAR DISTRICT—James Porter, Laketon, Cassiar.

LILLOOET DISTRICT—Frederick Soues, Clinton.

EAST KOOTENAY DISTRICT—J. F. Armstrong, Donald.

WEST KOOTENAY DISTRICT—N. Fitzstubbs, Nelson; J. D. Graham, Revelstoke.

YALE DISTRICT—Charles Lambly, Osoyoos; G. C. Tunstall, Kamloops.

## Assayers.

Public Assayer, H. Carmichael, Victoria; W. Pellew Harvey, Vancouver; J. A. McFarlane, Vancouver; Robbins & Long, Rossland.



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F. R. VAN TUYL, Cashier

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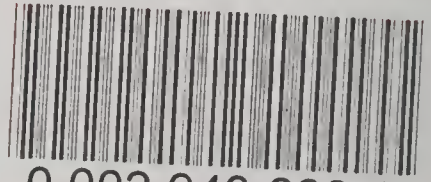








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